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DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE.

WILLIAM B. GREELEY, FORESTER.

# THE USE BOOK

A MANUAL OF INFORMATION ABOUT  
THE NATIONAL FORESTS.

GRAZING SECTION.  
1921.

ISSUED BY THE  
SECRETARY OF AGRICULTURE.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1921.



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U. S. DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE.

WILLIAM B. GREELEY, FORESTER.

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# THE USE BOOK

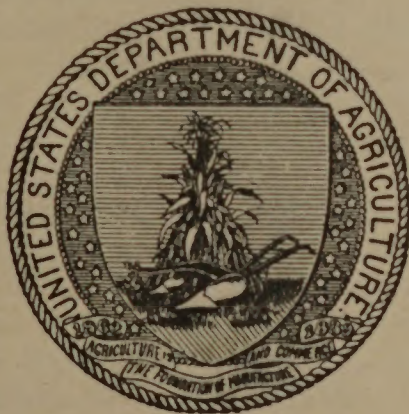
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The Secretary \* \* \* may make such rules and regulations \* \* \* as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished [by \$500 fine or twelve months' imprisonment, or both] as is provided for in the act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States. (Act of June 4, 1897, 34 Stat., 35.)

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The following regulations and extracts from the instructions covering grazing on National Forest ranges are published for the information of the public.

W. B. GREELEY,  
*Forester.*

JULY 1, 1921.



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## FOREWORD.

National Forests are open to all persons for all lawful purposes. The timber, water, pasture, and other resources are for the use of the people, and the minerals are open to exploitation just as on unreserved public lands. This book tells how the grazing resources may be obtained under reasonable conditions without delay.

• Under authority imposed by Congress the Secretary of Agriculture has issued regulations for the protection and administration of the National Forests, to the end that the fullest possible use of them, consistent with their proper conservation, may be made. Further information with regard to the use of the National Forests may be obtained upon application to any forest officer. (See p. 77 for addresses of supervisors.)

Users of the Forests are especially urged to assist in their protection by carefully observing the rules for handling fires, and by cooperating with forest officers in the work of discovering and extinguishing fires.

Persons who wish to make any use of the resources of a National Forest for which a permit is required should consult the nearest forest officer.

Twenty-five per cent of all receipts from National Forests are given to the counties in which they lie, to be used for schools and roads. An additional 10 per cent is expended by the Secretary of Agriculture upon roads and trails constructed primarily for the benefit of settlers within the Forests.

**Regulations are printed in this type.**



# THE USE BOOK.

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## GRAZING SECTION.

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### USE OF NATIONAL FORESTS FOR GRAZING STOCK.

The Secretary of Agriculture has authority to permit, regulate, or prohibit grazing in the National Forests. Under his direction the Forest Service will allow the use of the forage crop as fully as the proper care and protection of the Forests and the water supply permit. Every effort will be made to distribute the stock satisfactorily on the range, in order to secure greater harmony among the users of the Forests, to reduce the waste of forage by tramping in unnecessary movement of stock, and to obtain a more permanent, judicious, and profitable use of the range.

The leading objects of the grazing regulations are:

The protection and conservative use of all National Forest land adapted for grazing.

The permanent good of the live-stock industry through proper care and improvement of the grazing lands.

The protection of the settler and home builder against unfair competition in the use of the range.

It is expected that the stock owners will earnestly cooperate in carrying out the regulations.

The privilege of grazing stock upon the Forests is allowable under the law only when it does not interfere with the purposes for which the National Forests are created. It is nontransferable because it is based upon the possession of certain qualifications peculiar to the permittee.

Permits will be issued to graze a certain number of live stock in each National Forest, or part thereof, so long as no damage is done by such stock. A reduction will be made from the number of stock grazed during the previous season, if owing to the number grazed or the method of handling the stock, damage is being done either to the Forest or the range, and in extreme cases all stock will be excluded.



## GRAZING TRESPASS.

REG. T-6. The following acts are prohibited on lands of the United States within National Forests.

(A) The grazing upon or driving across any National Forest of any live stock without permit, except such stock as are specifically exempted from permit by the regulations of the Secretary of Agriculture, or the grazing upon or driving across any National Forest of any live stock in violation of the terms of a permit.

(B) The grazing of stock upon National Forest land within an area closed to the grazing of that class of stock.

(C) The grazing of stock by a permittee upon an area withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the stock, after the receipt of notice from an authorized forest officer of such withdrawal and of the amendment of the grazing permit.

(D) Allowing stock not exempt from permit to drift and graze on a National Forest without permit.

(E) Violation of any of the terms of a grazing or crossing permit.

(F) Refusal to remove stock upon instructions from an authorized forest officer when an injury is being done the National Forest by reason of improper handling of the stock.

Removal of Stock.

Upon discovery of grazing trespass the owner of trespassing stock will be instructed to remove it at once, or, if the situation is urgent, the forest officer may remove the stock in any way that does not injure it physically.

A distinction is made between permitted stock and unpermitted stock.

Permitted stock may be removed from any portion of the Forest not allotted to it, but the permit can not be revoked or the stock removed from the area allotted to it without authority from the district forester.

Forest officers may drive unpermitted stock from any portion of the Forest upon discovery of its presence, or they may allow the owner or herder a reasonable time to remove it; but if he refuses to do so, the person in charge of the stock may be arrested and the stock removed from the Forest by the forest officers.

## APPEALS.

REG. A-13. Except as otherwise stipulated or agreed in contract or permit an administrative action or decision by a forest supervisor shall be considered final unless written request for



a reconsideration of the case is filed with the supervisor within 10 days from the date of receipt of the announcement of his action or decision. The decision of the supervisor after receipt of a request for reconsideration of his earlier action or decision shall be considered final unless written notice of appeal to the district forester is filed with the supervisor within 10 days from receipt of his decision. Decisions of the district forester shall be considered final unless written notice of appeal to the Forester is filed with the district forester within 10 days from receipt of his decision. Decisions of the Forester shall be final unless written notice of appeal to the Secretary of Agriculture is filed with the Forester within 30 days from receipt of his decision.

Unless the written notice of appeal contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant, within 10 days after filing notice of appeal, shall file a statement or brief setting forth in detail the respects in which the action or decision from which appeal is taken is contrary to or in conflict with the law, the regulations of the Secretary, or the determined facts. Upon receipt of such statement or brief the officer from whose action or decision the appeal is made shall prepare a statement or brief reviewing the case and presenting the facts and considerations upon which his action or decision is based. The two statements or briefs, together with all papers comprising the record in the case, shall then be transmitted to the officer to whom the appeal is made, who will thereupon review the case and advise both the appellant and the subordinate officer of his decision.

#### Supervisors' Decision—Reconsideration.

Upon receipt of request for a reconsideration of a case the supervisor will furnish the appellant with a copy of the grazing regulations and of the instructions, as set forth in The Use Book, upon which he based his decision, upon receipt of which the appellant will prepare his formal statement in writing, verify it by oath, and accompany it by affidavits of available witnesses. This statement when submitted to the supervisor will cover—

Actual and legal residence of appellant.

Period of residence.

Description and location by legal subdivisions of ranch property owned by appellant.

Character of ranch property owned by appellant.

(a) Improved farm land producing cultivated crops.

(b) Amount of summer pasture or range.

- (c) Amount of winter pasture or range.
- (d) Amount of land controlling water supply.
- (e) Amount of forage produced annually.

Period of ownership.

Description of ranges upon which the stock was actually grazed during each of the years previously mentioned.

Number of years appellant has held a permit to graze stock on National Forest range.

Number of each class of stock grazed under permit during preceding year.

Number of each class of stock fed during each winter.

Quantity of forage fed during each winter.

Statement of reasons for reconsideration, citing the regulations and special instructions contrary to the supervisor's decision.

List of witnesses who can substantiate the preceding statements.

List of affidavits submitted in corroboration of statements.

And such other material facts as may have a bearing upon the case at issue.

#### **Additional Time to Complete Evidence.**

When all the evidence in the case has been filed by the appellant with the supervisor, he will examine the record carefully, and if evidence upon material points is lacking, he will notify the appellant of the omission and advise him that he will be given 10 days additional in which to submit the missing evidence.

#### **Supervisor's Formal Decision.**

Within 10 days from the date of the filing of the completed record the supervisor will prepare a formal decision, discussing each point of the appellant's statement, and stating clearly the regulations and reasons upon which his decision is based. This will be forwarded by registered mail to the appellant.

#### **Further Consideration.**

Should the decision be adverse, the appellant may file written notice with the supervisor within 10 days from the receipt of the registered decision, requesting a further consideration of material new evidence. The appellant will be advised by registered letter of the action taken upon his request, and if it is granted, will submit the additional evidence within the time set by the supervisor. If the request is allowed, the supervisor will prepare a final decision, which will be transmitted to the appellant in a registered letter. If the request is refused, or if the supervisor's final decision is adverse, the appellant may appeal



to the district forester by filing written notice with the forest supervisor within 10 days from the receipt of the registered notification.

#### **Appeals to the District Forester.**

In an appeal before the district forester, the appellant and the forest supervisor may each file an argument or brief reviewing the previous decisions and the evidence in the case. New evidence will not be admitted unless the appellant's request for the consideration of new evidence had been rejected by the supervisor, in which event the new evidence may be submitted to the district forester, and, if material, will be considered by him.

When an appeal is taken to the district forester, the supervisor will forward the complete record in the case to him for his consideration. When this is received, the district forester will review it and prepare a decision, which will then be sent by registered mail to the appellant, and a copy transmitted to the supervisor.

The supervisor's decision will not be reversed unless it is shown to be unwarranted by the facts, the regulations, instructions, or the law. When there is a variation in the statements of the supervisor and the appellant, but the preponderance of the evidence shows the supervisor to be justified in his action, he will be sustained.

Within 10 days from the receipt of the district forester's decision, an appeal to the Forester may be filed with the district forester.

#### **Appeals to the Forester.**

Where a case is appealed to the Forester the appellant may file one additional statement, reviewing the previous decisions and presenting the argument. The district forester will also file a statement. These two briefs, together with all papers in the case, will be presented to the Forester, and upon them his decision will be rendered.

#### **Appeals to Secretary of Agriculture.**

Appeals may also be taken to the Secretary of Agriculture from adverse decisions of the Forester. Any party availing himself of this privilege must, within 30 days from the time he receives notice of the Forester's decision, file with the Forester his petition for review by the Secretary of Agriculture. Upon receipt of the petition the Forester will submit all the papers to the Secretary.

#### **Field Investigation.**

A field investigation of an appeal case may be ordered by the district forester, the Forester, or the Secretary of Agriculture. The field examiner will submit a report, which will be considered at the time the decision is rendered.

**Examination of Records.**

Copies of answers or reports will be furnished the appellant in the discretion of the deciding officer. The appellant or his authorized agent may inspect the record of the case in the office of the supervisor, district forester, Forester, or Secretary of Agriculture, but will not be allowed to remove any papers. Statements of witnesses which have been submitted can not be regarded as confidential if they are considered as testimony. The appellant will be given full knowledge of the material facts contained in such statements and of the identity of the witnesses. Statements submitted in confidence and which must be treated as confidential can not be used as the basis for a decision.

**AUTHORIZATIONS.**

**REG. G-1.** The Secretary of Agriculture will prescribe the number of stock to be allowed in each National Forest, and will authorize the approval of applications for permits during periods of one or more years, but revocable at any time within his discretion. The yearlong grazing fee to be charged for each class of stock will be determined by the Forester in accordance with Regulation G-9. Seasons less than yearlong will be established by the district forester, who will determine the fees to be charged for each short season in accordance with the established schedule and the provisions of Regulation G-9. When notified of the establishment of grazing allowances and yearlong rates for any National Forest, the district forester will establish and fix the rates for all grazing periods less than yearlong and will transmit instructions to the supervisor, who will issue grazing permits in accordance therewith.

**Annual Grazing Authorization.**

The grazing of any class of stock upon any part of a National Forest is allowed under authority of the act of June 4, 1897, by the Secretary of Agriculture, whose regulations govern the use of public lands within the National Forests and are supreme, even though the State law is in conflict with them. When not in conflict with the Federal law, the State law is effective.

**Authorization for Five-Year Permits.**

Beginning with the season of 1919, the Forester will authorize the issuance of five-year permits on such Forests, or for such portion of the authorization on each Forest, or for such districts in a Forest, as in his opinion may be justified by the conditions.

When there is doubt regarding the number of stock which may be provided for permanently on any Forest without inter-



ference with its silvicultural development or injury to the range, the issuance of five-year permits will be deferred until such studies have been concluded as may be necessary to determine the facts, or restricted to such number of stock as in the meantime can be grazed with safety. Although five-year permits are subject to reduction when necessary to prevent damage to the Forest or range, it is advisable when possible to make the sliding scale reductions on overgrazed ranges before beginning the issuance of such permits.

For each five-year period, beginning with the season of 1919, the district forester will prepare and forward to the Forester a plan for his district, indicating the Forests upon which five-year permits may be issued for the full number of stock included in the established grazing preferences and the Forests on which the issuance of five-year permits either should be deferred or restricted to a number of stock less than the established preferences. Upon the approval of such plan by the Forester the necessary instructions to the supervisors will be issued by the district forester.

#### **Special Seasons.**

Special seasons can be allowed only in cases where the circumstances render such action absolutely necessary.

#### **Monthly Permits.**

Monthly permits will be authorized only for winter grazing where special conditions warrant it.

#### **Points Considered in Fixing Grazing Periods.**

Grazing periods will be established for each National Forest to meet the general needs of the people and to secure an economical use of the forage. An endeavor is made to make them meet local conditions and to allow grazing when the particular range in question can be used to the best advantage without injury to the Forest.

#### **Use of Winter Ranges.**

Ranges will not be allotted for use during the summer to the prejudice of settlers needing them for winter use.

### **DISTRICTS AND DIVISIONS.**

**REG. G-2.** The kind and number of stock to be grazed in each district open to grazing on the Forests will be determined by the district forester. Under his general instructions, National Forests in which grazing is allowed will be divided into districts by the supervisor, who will provide for the distribution of stock among the districts, and make such range divisions among applicants for grazing permits as ap-

pear most equitable and for the best interests of the National Forest and its users. When required for the protection of camping places, lakes and streams, roads and trails, etc., or of areas which are to be reforested, the supervisor may exclude stock from specified areas for such period of time as is necessary. Stock will be excluded from areas where they will destroy young growth or will prevent reproduction.

#### **Best Use of Each Class of Range.**

The ranges within the National Forests will be used by the kind of stock for which they are best adapted, except when this would not be consistent with the welfare of the local residents or the proper protection of the Forests. When an application is received for a kind of stock not previously allowed to graze upon a range, it will be determined, first, whether the change can be made without injury to the Forest or the flow of streams; second, to which class of stock the range is best adapted; and, third, whether the change will be detrimental to the interests of the people residing in the vicinity of the range. The change will be made only when all three conditions are favorable and the area has not been closed to grazing.

#### **Protection for Short-Season Permittees.**

If the stock which graze in common upon a single grazing unit are covered by permits for different periods, so that a portion enter the range considerably in advance of the balance, a reasonable proportion of the unit will be designated as the early range, and the stock which enter first will be confined to the part so designated until the beginning of the last or shortest summer period, after which the entire unit may be used in common by all stock allotted to it.

#### **Individual Range Allotments.**

Cattle and horses will be allotted individual ranges only when topographic conditions and methods of handling make it practicable, but sheep and goats will be allotted individual ranges in every case, unless unusual circumstances prevent. When cattle and horses are assigned individual ranges, the permittees will be required to make a reasonable effort to keep their stock within the limits of their allotments.

#### **Establishment of Driveways.**

Whenever it is necessary for stock to cross regularly any portion of a National Forest, and grazing upon the area of the kind of stock involved has been authorized by the Forester, the district forester will, if the circumstances warrant, establish a driveway and define the privileges to be granted.

Permits for which no charge is ordinarily made will be required for stock crossing the Forest on a regular driveway. (See Reg. G-8.)



**EXCLUSION OF STOCK.****Forest Protection.**

It is within the authority of the supervisor upon the approval of the district forester to close an area to all grazing, to reduce the number of stock allowed upon it, or to prohibit its use by certain classes of stock when the silvicultural needs of the Forest demand it.

**Watershed Protection.**

The watersheds of streams supplying water for irrigation, municipal, or domestic purposes may be closed to the grazing of any or all kinds of domestic stock when necessary to prevent erosion and floods, diminution or pollution of water supply.

**Public Camping Grounds.**

The needs of the traveling public receive careful consideration, and in the division of the range adequate provision will be made for the pasturage of draft, saddle, and pack animals used by persons traveling through the National Forests on business or for recreation. Camping grounds required for the accommodation of the public may be closed to the grazing of permitted stock if such action is necessary.

**Game Refuge.**

Limited areas which are the natural breeding or feeding grounds of game animals or birds may be closed to the grazing of domestic live stock when necessary to protect the game from molestation or extinction. The boundaries of such areas will be plainly marked, and permittees using the adjoining ranges are warned against trespassing on the closed area.

**COOPERATION.****ADVISORY BOARDS.**

**REG. G-3.** Whenever any live-stock association whose membership includes a majority of the permittees owning any class of live stock using a National Forest or portion thereof shall select a committee, an agreement on the part of which shall be binding upon the association, such committee, upon application to the district forester, may be recognized as an advisory board for the association, and shall then be entitled to receive notice of proposed action and have an opportunity to be heard by the local forest officer in reference to increase or decrease in the number of stock to be allowed for any year, the division of the range between the different classes of stock or their owners or the adoption of special rules to meet local conditions.

When an association represents only a minority of the permittees owning any class of live stock, but its members own 75 per cent of that class of live stock using the range, upon petition of a sufficient number of the other owners to constitute a majority of all the grazing permittees affected its advisory board may be recognized by the district forester.

Upon request from and with the approval of an officially recognized advisory board the district forester may establish special rules to regulate the use and occupancy of the range and to prevent damage to the Forest lands, such rules to be binding upon and observed by all permittees grazing stock within the range involved. Such conditions as may be necessary may be imposed upon the handling of permitted stock, the employment of herders to confine the stock to the allotted ranges, the distribution of salt, the enforcement of State live-stock laws, and the construction of permanent improvements to protect the Forest or facilitate the handling of permitted stock.

Whenever a State live-stock association appoints an advisory board, it may be recognized by the district forester and consulted with in regard to matters which affect the general administration of the National Forests within the entire State.

Whenever a national live-stock association, representing the owners of any class of stock, appoints an advisory board or committee representing the users of the National Forests in all of the different States, it will be recognized by the Secretary of Agriculture and the Forester and consulted with annually regarding matters which concern the welfare of the stockmen using the National Forest ranges.

#### **Reasons for Cooperation.**

The primary purpose of all the regulations is to make the National Forests as useful as possible to the people consistent with their protection and perpetuation. It is clearly impossible to meet the wishes of each individual user, but it may be entirely possible to meet the wishes of the majority if made known through an organization. It is to secure from the people collectively, definite statements of their needs and wishes that the organization of stock associations is encouraged.

#### **Matters Must Be of General Interest.**

Matters submitted to advisory boards should be of general rather than individual or personal interest. It is not within the province of an advisory board to determine whether a new applicant shall be admitted or a renewal of permit granted a purchaser. An individual case, however, may contain a principle in which a large number of permittees are interested, in which event it may very properly be taken up.



**Complaints of Members.**

Complaint against the supervisor's action by members of the association should be taken up through the advisory board unless the permittee desires to take up the matter directly as an individual.

**Special Rules.**

Special rules designed to bring about economies of operation, larger natural increases, improved grades of live stock, etc., should not be drafted or enforced except upon the specific request of an officially recognized advisory board, and where such rules will tend to prevent damage to the Forest lands or secure a more complete or more economic use of the Forest resources.

When a special rule is recommended by an advisory board for only a part of the territory represented by it a showing must be made that the rule is approved by a majority of the permittees, excluding those holding temporary permits, using the area to which it will apply.

No rule should be adopted that is not clearly within the limitations of the State or Federal statutes concerning live stock.

Special rules once established will remain in force until revoked by the district forester. They will be binding upon all permittees, whether members of the association or not, and will be made a stipulation in all permits affected. (See Instructions under Reg. G-17.)

The previous paragraph shall not be construed to operate to require or force permittees to join any such organization or association or pay membership dues in them unless they are willing to do so.

In States in which the law does not provide for either the number or grade of bulls to be placed upon the range, special rules governing the number or grade of bulls may be established.

**Applications for Special Rules.**

Applications for the establishment of special rules, signed by at least a majority of the advisory board, will be submitted to the supervisor in writing. After carefully considering the application, the supervisor will forward it to the district forester with his recommendations and reasons therefor.

If the district forester approves the application he will notify the secretary of the association by letter, setting forth the conditions upon which the Forest Service will aid in enforcing compliance with the stipulations of the special rule, or the collection of assessments. A copy of this letter will be forwarded to the supervisor.

**Applicants Notified of Rule.**

When a special rule has been established the supervisor will notify each approved applicant each year of the special rule, at the time letters of approval and Form 861-G are sent out.

**Assessments.**

Such assessments as may be necessary to provide funds with which to make effective the purposes contemplated by special rules for the handling of stock upon the range, recommended by advisory boards and approved by the district forester, may be levied by the advisory board, and their payment will be enforced by the Forest Service on all permittees affected by such rules whether members of the association or not. Owing to the nature of their permits holders of temporary permits will be required to pay for the current grazing season only.

It will be left discretionary with the advisory board to determine whether assessments will be collected in advance of the issuance of the permit for the current grazing season or later.

Each year before the final date set for the receipt of grazing applications, the advisory board will notify the supervisor whether or not an assessment is to be made, and if so will submit an itemized estimate of the amount to be collected, and whether or not the assessment is to be collected in advance of the issuance of permits.

Upon receipt of an estimate of a proposed assessment the supervisor will review it carefully and if it is authorized by the special rules approved by the district forester and is not excessive he will determine the pro rata charge by dividing the amount of the approved estimate by the number of stock to be permitted upon the range affected by such rules.

**Notice of Assessments.**

If the assessment is to be collected in advance the supervisor will accompany Form 861-G with a letter to the applicant setting forth the pro rata charge and the total amount to be paid to the proper designated officer of the association and that permit will not be issued or validated until receipt or notice of payment has been received.

If the assessment is not to be collected in advance, the applicant will be notified that payment must be made when called for by the secretary of the association, and that failure on his part to do so will result in the disapproval of his application for the following year.

The officers of the association receiving payment of the assessment will issue a receipt therefor and will advise the supervisor of the payment in such manner as may be agreed upon.



**Bonds.**

Where an assessment is to be collected under special rules or for the construction of improvements, in the discretion of the supervisor and the advisory board, the official or officials of the association designated to receive or disburse the money may be required to give to the association a good and sufficient bond, which must be approved by the supervisor and assistant to the solicitor. A joint bond may be given if desired where more than one officer is designated to handle funds.

**Annual Statement by Secretary.**

Not later than January 15 each year the secretary of an association having authority to levy an assessment under a special rule or special use permit will furnish the supervisor with a detailed statement of the amount of money received and disbursed under each special rule or special use permit. The supervisor will check this statement to see that all moneys collected are being used for the purpose contemplated.

**Delinquents.**

Where the assessment is to be paid in advance of the issuance of permit, the supervisor will notify all persons who have not paid the assessment 30 days prior to the beginning of the grazing season that it is overdue and unless paid within a specified time permit for that season may be denied them.

At the expiration of the period specified, if the assessment has not been paid, the application may be canceled and the range allotted to others, in which case, at the discretion of the district forester, the grazing fee may be refunded. If the supervisor does not allot the range to others, the grazing fee will be retained, but the applicant may pay his assessment and secure his permit at any time during the grazing period.

If an applicant fails to pay the assessment before the final date set for receiving applications the following year, his application for that season will be disapproved.

**Correspondence to Forester.**

Copies of all correspondence relative to these special rules, together with copies of the rules as they are finally approved by the district forester, shall be immediately forwarded to the Forester for his information.

**Use of Improved Breeding Stock.**

When a request has been received from the advisory board of an association representing a majority of the grazing users of any Forest or district or division thereof, for the placing of bulls or other breeding animals of a specified grade upon the range, upon a showing that such special rule will secure a more eco-

conomic use of the range and is not in conflict with the State livestock laws, this will be made a requirement thereafter, which must be complied with by all permittees using the designated range, under penalty of revocation of their permit.

### ORGANIZATION.

#### **Character of Association.**

An association may contain a majority or a minority of the permittees, and it may be officially recognized within an entire Forest or a district or division thereof.

#### **Small Organizations Practicable.**

In the administration of the National Forests good results have been secured through cooperation with associations representing the majority of the users of small grazing divisions, who have a community of interests, are more readily assembled for the consideration of administrative problems, and more closely in touch with the conditions existing within their ranges.

#### **Majority Association.**

A majority association is one whose membership includes a majority of the permittees grazing a certain kind of stock under permits of record, either paid or on account of private land, upon the range unit within which recognition is desired. The permittees need not constitute a majority of the members of the association nor do they have to hold permits for a majority of the stock grazed upon the unit in order to secure official recognition.

#### **What Constitutes a Majority.**

For their first year new permittees will be required to comply with all special rules previously approved by the district forester, although by the addition of a number of new permittees the association may not represent for that season a majority of the permittees. The phrase "majority of the permittees" will therefore mean a majority of the permittees for the preceding grazing season.

#### **Minority Association.**

A minority association is one whose membership does not include a majority of the permittees grazing the particular kind of stock within the range unit for which recognition is desired, but does include permittees owning and grazing 75 per cent or more of the permitted stock. A minority association will be officially recognized only when its request for recognition is approved and indorsed by a majority of the permittees grazing the particular kind of stock represented by the association within the entire area in which recognition is to be granted.



**Indorsement by Petition.**

The indorsement of a minority association by nonmembers must be by a petition stating that the subscribers approve and recommend the recognition of the association and agree that in all matters relating to the grazing administration of the Forest or district the recommendations of the advisory board shall be binding upon all persons signing the petition.

**Area Covered.**

Where there is more than one advisory board on a Forest, care should be taken to see that the members understand clearly the boundaries of the area over which their jurisdiction extends, whether it be a Forest, a grazing district, or a few divisions. In handling important range questions which it is necessary to refer to an advisory board, complications may be avoided by having this thoroughly understood beforehand.

**Requirements for Recognition.**

Live-stock associations desiring to take advantage of this regulation must file an application with the supervisor, giving the names of all members, the name of the Forest in which its members are interested, and the names of the committeemen who are to act for the association. The advisory board must consist of not more than five members, and a majority of the board must constitute a quorum.

The application must be accompanied by a copy of the constitution and by-laws, which must contain a provision that the action of the board will be binding upon the association. These by-laws must provide that all persons who are permitted to graze the kind of stock represented by the association will be eligible to membership. The application of a minority association must also be accompanied by a petition signed by sufficient permittees to constitute a majority.

**Disapproval of Applications for Recognition.**

If the application is disapproved by the district forester, the secretary of the association will be informed and specific reasons given. On receipt of a copy of such a letter, the supervisor may take the matter up with the local representatives and show them what is necessary to correct their application or enlarge their organization to secure recognition. Disapproval for noncompliance with this regulation need not preclude reapplication and subsequent approval. An appeal from the district forester's refusal to recognize a stock association may be made to the Forester.

**Changes in Personnel, Constitution, or By-Laws.**

Supervisors should inform the district forester of any changes in membership of an association or in the personnel of the ad-

visory board, or amendments in the constitution and by-laws adopted by recognized stock associations. In cases where the membership has ceased to include a majority of the permittees using the area within which the association is recognized or where the constitution and by-laws have been amended in a manner not acceptable to the Forest Service, or in minority associations where the ownership of stock has dropped below the required 75 per cent, the supervisor should submit appropriate recommendations for further action, upon receipt of which the district forester will determine whether his official recognition of the association should be continued, modified, or withdrawn.

In order to carry out the above provision, after each annual election of officers supervisors should secure from the secretary of the association the names and addresses of the officers and advisory board, a revised list of the members, and copies of any amendments to the constitution and by-laws.

#### **State Associations.**

State associations may appoint advisory boards for any Forest in the State in which their membership includes a majority of the users. A single advisory board representing a State association may be consulted by the district forester on questions which concern the entire State.

#### **National Associations.**

National live-stock associations representing the owners of any kind of stock using the National Forests may appoint an advisory board, which will be recognized by the Secretary of Agriculture and consulted with annually at such time and place as may be agreed upon in reference to matters affecting the use of all of the National Forests.

#### **Qualifications for Membership of an Advisory Board.**

Members of local, State, or national advisory boards must be grazing permittees on some Forest. In the case of local boards, they need not be users of the particular Forest or district in which the association is formed, if in the judgment of the majority members of the association their prominence in the stock-raising industry makes it desirable to secure for the board and association the benefit of their advice and counsel.

### **RANGE IMPROVEMENTS.**

**REG. G-4.** Live-stock associations which have received official recognition from the Forest Service may be granted permits to construct and maintain, upon the ranges for which they are recognized, corrals, drift and division fences, roads, trails,



sources of water supply, and other forms of permanent improvement designed to protect the Forest lands or to facilitate the handling of permitted stock. Unless otherwise authorized by the Secretary of Agriculture, in cases where the total cost of construction is met by the association, no part being contributed by the Government, except free-use material, the district forester may, in his discretion, stipulate and agree in the permit that during a period of 10 years following the construction of an improvement all permittees who are allowed to place stock upon the range controlled or benefited by the improvement will be required to pay into the treasury of the association an amount equal to their pro rata share of the cost of constructing the improvement, provided that the improvement has been and is being maintained in serviceable condition by the association. When approved by the district forester in advance of construction and subject to the general conditions of this regulation, the above procedure may be followed in reference to improvements to be built by a permittee upon an individual or separate allotment, and permittees who are subsequently allowed to use the range benefited thereby may be required to pay to the permittee who erected the improvements their proportionate share of the cost of such improvement. The initial pro rata charge will be determined by dividing the amount expended by the full number of stock which may be grazed upon the range controlled or directly benefited by the improvement, but a reduction of 10 per cent of the original amount, to cover benefit and depreciation, will be made during each of the nine succeeding years, and after the tenth year the improvement will become the property of the Government.

Permits for the use and maintenance of range improvements which are the property of the Government may be granted recognized live-stock associations. All permittees using range controlled or benefited by such improvements will be required to pay into the treasury of the association their annual pro rata share of the cost of maintenance during the period such permit is in effect. Compliance with this requirement will be made a condition to the issuance of the grazing permit. Stock which is exempted from permit by the regulations will not be subject to assessment under this regulation.

**Must Be Necessary, Substantial, Economical.**

Before approving a special-use permit which provides for the payment of a pro rata share of the cost of construction by each permittee, the district forester should assure himself that the proposed improvement is actually necessary for the proper

management of the stock, will be generally beneficial to the majority of the permittees, and will be substantially and economically constructed.

#### **Details of Construction.**

Applications to construct range improvements under the provisions of this regulation should specify in detail the materials to be used, the methods of construction to be adopted, the spacing of posts, stays, and wires, the location and kind of gates, or other information needed to determine whether the improvement will conform to Forest Service standards and will be acceptable to all of the permittees.

The stipulation and agreement by the district forester should provide that it will be contingent upon full compliance with the provisions of the special-use application.

#### **Determination of Initial Pro Rata Charge.**

Upon the completion of the improvement the association will submit an itemized statement of the costs of construction, which will be checked and verified by the supervisor, who will withhold his approval from any expenditure which appears to be extravagant or unnecessary.

The number of stock, exclusive of those exempt from permit, which may be grazed upon the area described in the special-use agreement will be determined by the supervisor.

If the range is understocked, it will be necessary for the supervisor and the members of the advisory board to agree upon the number of stock which the range will support and which will be used as the basis for computing the pro rata charge.

The approved total cost of construction will be divided by the total number of permitted stock to be grazed upon the range, which will give the proportionate cost per head of stock. This will be the initial pro rata charge, which must be paid by all permittees then using the range. A reduction of one-tenth of the initial charge will be made during each of the nine succeeding years, and after the tenth year the improvement will become the property of the Government.

#### **Payment of Pro Rata Charge.**

Forest officers must not receive payments to cover the cost of range improvements, maintain the range improvement accounts of an association, or assume official responsibility for the costs of constructing or maintaining an improvement. These are functions of the association to which the special-use agreement has been issued.

In all cases where a pro rata payment is due, the regular letter of approval (Form 861-G) will be accompanied by a letter stating that as a condition precedent to the issuance of a permit



the applicant will be required to pay his proportionate share of the cost of constructing the improvement to the properly authorized and designated officer of the live-stock association. The letter should state the total cost of the improvement, the estimated number of stock the area will support, and the pro rata charge per head of stock based upon these figures.

The applicant will pay his share of the cost of improvements directly to the officer of the live-stock association, who will acknowledge the payment in proper form. The full amount due must be paid in one payment. The grazing permit will not be issued until both the receipted letter of transmittal (Form 861-G) and the receipt for the costs of construction have been received by the supervisor.

If the subsequent collection of the pro rata charge results in the association receiving funds in excess of the approved cost of construction, the money, if needed, will be used by the association for the maintenance of the improvements from which derived, for such other purposes as may be approved by the advisory board, or for a pro rata refund to all permittees grazing stock upon the range controlled or benefited by the improvement and who have paid their pro rata of the assessments.

#### **Pro Rata Charge Paid by New Owners.**

When Class A owners are provided for by the reduction of permits of old users on areas which are fully occupied, the amount received for the pro rata charge of the new users may be used by the association, either for maintenance of the improvements or for a proportionate refund to the permittees who have been reduced.

#### **To Whom Pro Rata Charge Should Be Paid.**

Forest officers must not receive payments to cover the cost of permanent improvements, maintain the permanent improvement accounts of an association, or assume official responsibility for the costs of constructing or maintaining an improvement. These are the functions of the association to which the special-use agreement has been issued.

#### **Pro Rata Charge Must Be Paid on Increases in Permit Number.**

Permittees who are allowed to increase the number of stock grazed under permit will be required to pay the prevailing pro rata charge upon all additional stock placed upon the range, unless the stock are purchased from a permittee who has paid the pro rata charge and has signed an agreement (Form 763) waiving all claims to preference in the use of the range, in which event no additional payment need be made.

**Assessments for Maintenance.**

If the amount of money received by the association on account of the subsequent pro rata charge is not sufficient to maintain the improvement, upon a showing by the association that all money received has been used for the maintenance of the improvement or for a pro rata refund to all permittees grazing stock within the district or division affected, the supervisor may authorize the annual collection of a maintenance assessment of such an amount in excess of the pro rata payments received as may be necessary to maintain the improvement in serviceable condition.

The improvement work should be done from year to year, so that each permittee will pay his proportionate share of the cost of such maintenance.

**Cooperative Improvements.**

The Forest Service may aid in the construction of range improvement when such improvements will result in a direct benefit to the Service. When the improvement will not benefit the Service the total cost of construction will be borne by the stockmen benefited.

The proportionate cost of improvements to be constructed cooperatively by the Service and stockmen will be based on the proportionate benefit to be derived by each.

**Range Improvement Under Special-Use Permits.**

Drift fences, corrals, and stock tanks may be constructed, and pastures inclosed, on National Forest ranges under special-use permits.

**Individual Improvements, Payments for.**

The third paragraph of Regulation G-4 is intended to secure for the original individual permittee or permittees who place improvements on the range which will be of value to all permittees a reasonable reimbursement by any subsequent user of the range benefited by the improvement of the proper pro rata share of the cost of the improvement. The general terms of Regulation G-4 and the instructions under it as applied to associations will govern in all such individual cases.

**STOCK EXEMPT FROM PERMIT.**

REG. G-5. Unless otherwise authorized by the Secretary of Agriculture, all persons must secure permits before grazing any stock in a National Forest, except for the few head in actual use by prospectors, campers, and travelers, or saddle, pack, and work animals actually used in connection with permitted operations on the National Forests. Milk, work, or



other animals used for domestic purposes not exceeding a total of 10 head owned and in use by bona fide settlers residing in or near a National Forest require no permit.

#### **Exempt Animals.**

Except as provided in the regulations, no stock may be grazed without a permit, except 10 head of milk, work, or other animals which are either in actual use or are to be used for domestic purposes. Within the limits established this would include hogs, goats, or sheep kept for providing the settler's family with food. A settler owning only 10 head or less of stock which are neither milk, work, nor animals kept for domestic purposes will be required to apply for permit and pay the grazing fees, while a settler owning any number of stock will be allowed to graze 10 head of such exempt stock without permit and free of charge.

#### **Special Concessions to Indians.**

Special concessions may be made by the Secretary of Agriculture to Indians who are enrolled upon the records of the Office of Indian Affairs and who are dependent upon the National Forest ranges for the pasturage of their stock. Such concessions will not apply to intermarried white persons, except those who have been formally adopted by the tribe and enrolled upon the records of the Indian Office.

### **ON-AND-OFF PERMITS.**

**REG. G-6.** Persons owning stock which regularly graze on ranges only partially included within a National Forest, or upon range which includes private land of unknown ownership, may be granted permits for such portions of their stock as the circumstances appear to justify, but may be required so to herd or handle their stock as to prevent trespassing by that portion for which a permit is not granted.

#### **Object of Regulation.**

This regulation is designed solely to provide for cases where only a part of a natural range unit is National Forest land, and where the economical use of the entire unit can be secured only by the utilization of the Forest land in connection with the other land. The regulation contemplates a movement of the stock, governed by natural conditions, between the Forest range and the adjoining outside range, or between Forest land and intermingled private land. Only under such conditions should an on-and-off permit be granted.

#### **Outside Range Must Bear Relation to Forest.**

The on-and-off privilege should not apply to lands not dependent upon or related in their use to the Forest lands. Per-

mits should be issued only on the basis of the natural unit partly included within or dependent upon the Forest. For example, if a person grazes 1,000 cattle on a range of which one-fifth is a natural unit, containing one-half Forest land, his permit for 100 head of cattle should provide for the grazing of 200 cattle on range 50 per cent Forest land, and not the grazing of 1,000 cattle on range 10 per cent Forest land.

#### **Continuous Occupancy During Short Periods.**

Where the use of the Forest land is confined to one continuous period during only a part of an established grazing season, the issuance of an on-and-off permit, covering a part of the stock proportionate with the part of the established grazing season during which the range is used, is equivalent to the establishment of a short grazing period by the supervisor, often at a rate below the minimum prescribed by the regulations, and therefore will not be allowed. Where occupancy of Forest lands is continuous and not intermittent, the district forester, if he considers such action advisable, will establish short grazing periods; payment to be required for the full number of stock grazed upon Forest land.

#### **Conditions Warranting Issuance of On-and-Off Sheep Permits.**

On-and-off permits for sheep or goats may be issued for portions of the range along the Forest boundary not sufficient in area to support a band of sheep or goats during an entire established grazing period, which can only be utilized in connection with the adjoining outside range. Where portions of the outside range can only be used to advantage in connection with watering places located within the National Forests, on-and-off sheep or goat permits may be issued.

#### **When Applicant Controls Over Half of Allotment.**

Where more than one-half of the land comprising the range allotment is controlled by the applicant, ordinarily an on-and-off permit may be issued. The waiver of exclusive use of unfenced private land is not necessary unless the interests of the Government especially demand it.

#### **Determination of Amount of Fees.**

In the approval of applications from the owners of cattle and horses which graze on and off the National Forest an estimate will be made of the average number which will be grazed upon the Forest, and the fee will be paid upon this number. In issuing sheep permits the grazing fees will be based on the grazing capacity of that portion of the range which is National Forest land.



**Issuance of Permit.**

The permit will be issued only for the proportionate number of animals which will use Forest range during the season, but will contain the following proviso: "This permit is issued with the understanding that — head of — will be grazed on range, — per cent within the National Forest and — per cent outside, and does not allow at any time the grazing of more than — head of — on the National Forest range herein described.

"It is further understood and agreed that if the permittee allows a greater number of stock belonging to him than is herein provided for to graze upon the foregoing range unit of which the National Forest is a part during the period this permit is in effect, the 'on-and-off' clause shall immediately become null and void, and the grazing upon National Forest land of a number of stock in excess of that upon which grazing fees have been paid shall be considered as a grazing trespass and treated accordingly."

All permits of this class should be plainly marked "On-and-off permit." Only the number of animals upon which the fees are charged will be counted against the number authorized by the Secretary of Agriculture, but in determining the permittee's status or class the total number will be considered. Five-year permits will not be issued for "on-and-off" stock.

**PRIVATE GRAZING LANDS WITHIN NATIONAL FORESTS.**

**REG. G-7.** Persons who own, or who have leased from the owners unfenced lands within any National Forest which are so situated and of such character that they may be used by other permitted stock to an extent rendering the exchange advantageous to the Government, may secure permits allowing them to graze upon National Forest land, free of charge, the number of stock which the private lands will support, by waiving the right to the exclusive use of the private land and allowing it to remain open to other stock grazed on National Forest land under permit.

The application must be accompanied by a personal certificate of title showing the description and ownership of the land, and, if leased from an owner, a copy of the lease or other satisfactory evidence, and must state the number and kind of stock permit is desired for, the range which it is desired to occupy, and the period during which the stock will remain upon the Forest. Permits will be subject to the same restrictions regarding the use of the range as permits issued under other regulations.

**Crossing to Private Lands.**

Permits to cross a National Forest with stock which will be kept upon private lands the owners or lessees of which do not desire to waive the right to its exclusive use will be issued under the provisions of Regulation G-8.

**Grazing of Sheep and Goats.**

The privilege of grazing sheep and goats upon National Forest lands under this regulation will be allowed only upon such ranges as are open to this kind of stock.

**Subject to Special Rules.**

Owners of stock grazed under this regulation must comply with all special rules issued under Regulation G-3, and must pay annually during the period in which the association is allowed to collect reimbursements one-tenth of the initial pro rata charge for improvements constructed under the provisions of Regulation G-4.

**When Advantageous.**

In the issuance of permits under this regulation it is intended that the Government will be compensated for the use of the Forest lands by an equivalent use, through stock under paid permit, of the private lands to which the right of exclusive use has been waived. When the private lands are so situated and of such character that they will not be occupied by stock upon which fees have been paid by the owner or lessee of the private land or by other permittees, to an extent approximately equal to the occupation of the Forest lands by the stock under free permit, the Government will not be adequately compensated for the use of its lands, and the exchange should not be made.

When the use under this regulation of privately owned or leased lands involves increased expense to the Government, such deduction will be made in the number of stock allowed to graze as may be necessary to offset such expense.

**Determination of Status.**

Before issuing permits under this regulation the supervisor must determine that the title of the land has passed from the United States and that the applicant has the right to its use. Where copies of leases are not available, copies of correspondence, receipt for fees paid on leases, or other satisfactory evidence may be accepted in lieu of a copy of the lease. No grazing preferences will accrue through use of the National Forest under this regulation.

**Allowances for Private Lands.**

The following rules will govern grazing allowances on account of private land within National Forests the exclusive use of which has been waived.



Bona fide settlers who have made homestead entry, but have not yet made final proof, may be allowed free permits for grazing upon National Forest lands the number of animals their land will support.

Persons who have filed upon land within the National Forests under laws not requiring residence may be allowed free permits for grazing upon National Forests the number of stock their land will support, after they have made final payment for the land.

Owners or lessees of Indian allotments may be allowed permits for grazing upon National Forests the number of animals the land will support, provided that patent has issued or a lease has been executed upon the blanks of the Indian Office and approved by the Commissioner of Indian Affairs.

Persons holding unpatented mining claims within a National Forest have the right to the grass or other forage upon such claim needed for stock used in connection with the development of the claims, but they have no right to dispose of the forage to any other person or to collect rental for the use of the claims for grazing purposes. Such unperfected mining claims, therefore, can not be accepted as the basis for a permit under this regulation.

Bona fide squatters upon unsurveyed lands may be allowed permits for grazing the number of animals their claims will support, provided no claim exceeds 160 acres.

Persons who have applied to purchase or who have leased any lands covered by State selections will be allowed free grazing privileges on account of these lands.

Persons who have applied to purchase or who have leased railroad land within the indemnity limits will be allowed free grazing privileges on account of such land after survey and selection by the railroad company and approval by the Secretary of the Interior.

The use of unsurveyed unselected lands within both the primary and indemnity limits of railroad grants will be allowed in accordance with the grazing regulations under regular paid permits.

#### **Five-year G-7 Permits.**

On Forests where the issuance of five-year permits has been authorized, G-7 permits for five-year periods may be issued in cases where the owners or lessees of the lands involved waive the right to the exclusive use of the private land for the five-year period.

#### **CROSSING PERMITS.**

**REG. G-8.** Persons wishing to drive stock across any portion of a National Forest to reach either public or private

lands, except when the stock will be driven along a public highway and will not be grazed upon National Forest lands, must make application to the supervisor or other forest officer for a permit to graze the stock en route and must have a permit from the supervisor, or such other forest officer as he may designate, before entering the National Forest. The application must state the number of stock to be driven, the date of starting, and period required for passage. Grazing must be confined to the limits and along the route designated by the forest officers, and will only be allowed for the period necessary for stock to cross the National Forest.

The Forester in his discretion may issue the above permits free of charge or may establish a charge for crossing privileges.

The regular grazing permit carries with it the privilege of driving the permitted stock over National Forest lands to and from the allotted ranges at the beginning and end of the grazing season and from the range to the most accessible shearing, dipping, and shipping points during the term of the permit. Supervisors should designate the route to be traveled and the crossing period whenever it is evident that the unrestricted privilege would be detrimental to the Forest or to other permittees.

#### **When Granted.**

Crossing permits may be granted for crossing stock over National Forest lands to points beyond the National Forest, for crossing stock to private lands within a National Forest, or for crossing stock to reach dipping vats or railroad shipping points.

#### **When Denied.**

Crossing permits will not be issued prior to the opening of the grazing season for the class of stock concerned, except upon an established driveway. They will not be issued for stock which is so poor that it will not be able to cross the Forest, and they will not be issued for stock to be driven to private land within the Forest if the land is unfenced and the number of stock is greater than it will support for a reasonable period without trespass upon adjoining forest land.

#### **No Charge for Ordinary Crossing Permits.**

Ordinarily no charge will be made for crossing permits issued under this regulation. Exceptions to this rule may be made in the discretion of the Forester when conditions of use may justify a charge. When the use of a driveway is so extensive that it is necessary to employ special guards to patrol and supervise it during the crossing season, the persons enjoying such use may



be required to deposit in a cooperative fund their proportionate share of the cost of such patrol and supervision for the payment of such expense.

#### **Paid Crossing Permits.**

When a permit is desired for crossing the Forest with stock at regular intervals during an entire grazing season or under other conditions which warrant the charging of a grazing fee, the grazing permit will be issued under Regulation G-9, and included in the regular series.

If the Forest includes a shipping point, or if it must be crossed to reach one by nonpermittees trailing stock and limited grazing is necessary to prevent shrinkage, the Forester may authorize a grazing period of 10, 20, or 30 days, as the case may be, at a specified charge per band of sheep or cattle for the period established. The charge in such cases will be based upon the entire period and no allowance will be made if the range is used for a shorter time.

#### **Quarantine Regulations.**

It is absolutely essential that persons crossing stock comply with the regulations governing the National Forests and with the quarantine regulations prescribed by the Secretary of Agriculture and the State authorities. Unless they do so, the privilege may be denied them, but the condition of stock as to contagious or infectious diseases will be determined by the proper Federal or State authorities. Compliance being assured, and if the privilege will not expose the National Forest to damage or the regular permittees using it to inconvenience or financial loss, the permit should be issued without delay and with the fewest possible restrictions.

#### **Applications for Crossing Permits.**

Applications for crossing permits may be made either in person or by letter and the permits issued to either the owner or person in charge of the stock.

#### **FEES.**

**REG. G-9.** A reasonable fee will be charged for grazing all kinds of live stock on National Forests, except as otherwise provided in these regulations, or in cases in which the Forester may determine that the interests of the United States will be best subserved by permitting free grazing. Unless otherwise authorized by the Secretary of Agriculture, the following rates will be charged. The rates will be based upon the yearlong rate for cattle, which will be from 60 cents to \$1.50 per head, depending upon the advantage and the locality of the Forest.

The yearlong rates for horses will be 25 per cent more and the yearlong rates for swine 25 per cent less than the rate for cattle. The yearlong rate for sheep and goats will be 25 per cent of the yearlong rate for cattle.

The rates for all kinds of stock for periods shorter than yearlong will be based upon a charge of one-ninth of the annual rate per month for periods of less than four months, or periods beginning between July 15 and October 15, or of one-tenth of the annual rate per month for periods of four months or over beginning between October 16 and July 14, provided that the rates on sheep, goats, and swine shall not be divided into fractional amounts of less than one-fourth of 1 cent, and the rates on cattle and horses shall not be divided into fractional amounts of less than 1 cent; and provided that the minimum rate for any short period shall not be less than 20 cents per head on cattle, 25 cents per head on horses, 12 cents per head on swine, or 5 cents per head on sheep or goats, exclusive of extra charges for lambing or kidding. An extra charge of 2 cents per head will be made for sheep or goats which are allowed to enter the National Forests for the purpose of lambing or kidding. No charge will be made for animals under 6 months of age at the time of entering the Forest which are the natural increase of stock upon which fees are paid or for those born during the season for which the permit is allowed.

#### **When Animals Under Six Months Are Subject to Charge.**

The full grazing fee will be charged on all animals under 6 months of age which are not the natural increase of stock upon which the fees are paid.

#### **No Reduction Because of Partial Use.**

No reduction in grazing fees will be made when the stock do not graze upon the National Forest during the entire period allowed, nor will an increased number of stock be allowed to enter the Forest for this reason.

#### **Extension of Permits.**

If suitable range is available within the National Forest, grazing permits for short periods may be canceled and extended permits issued for any of the longer periods established for the Forest upon payment of the difference between the rates established for the two periods. The fee representing the difference between the two rates must be paid not only upon stock covered by the original permit which are to be grazed during the extended period but also upon all additional animals which have reached the age of 6 months during the original permit period.



**Charges for Sheep.**

The rates charged for sheep, as shown in Regulation G-9, are 25 per cent of the rates charged for cattle, for the following reasons:

First. The proportionate number of stock under 6 months of age grazed free on permits is much greater with sheep than with cattle. In the feed lot the amount of feed required for one cow will support eight sheep. On the National Forest range, where only the grown stock is counted, the proportion is reduced to one to five, because the proportion of lambs to the old stock is much greater than the proportion of calves, and also because lambs mature more rapidly than calves and require more feed.

Second. Under the customary methods of handling stock upon the range, sheep are more destructive to the young forest growth than cattle, being herded in bands, while cattle are turned loose. Careful investigation has shown that herded animals require from 25 to 50 per cent more range than animals which are turned loose. This justifies the relatively high ratio used as the basis for the rates for grazing sheep and goats fixed by the regulation.

**Charges for Horses.**

In ordinary range management it is found that horses require about 25 per cent more range space during a given period than is required by cattle. In many localities horses utilize feed that would otherwise remain unused, and consequently often graze upon fully stocked cattle or sheep ranges without any injury from overgrazing, but as they are more readily disturbed, travel greater distances and at greater speed than cattle, they do more damage to forage and tree growth through trampling, and as a result require more of the range.

**Charges for Swine.**

The forage consumed by swine is difficult to compare with that consumed by cattle, as their feed is mast, roots, and bulbs rather than forage grasses and plants, but for purposes of administration two head of swine will be considered equal to one cow. On account of the cost of regulating hog grazing, the very large proportionate natural increase, and the damage from rooting, 75 per cent of the rate for cattle is equitable.

**Charges for Dry Sheep.**

A band of dry sheep will not consume as much forage as a band of ewes with lambs, but since they will run and mass to a greater degree the demand on range is about equal. The high summer ranges of the National Forests are required to enable ewes to produce the maximum amount of milk to give the lambs the growth they require to prepare them for market. Therefore

as between the two classes the higher and better ranges should be given to the ewes and lambs. The absence of lambs in a band does not justify any reduction below the rates charged for ewes with lambs, and persons grazing dry sheep will not be given a reduction in rates or an increase in number.

#### **Charge for Lambing.**

The additional charge of 2 cents per head for the privilege of lambing ewes upon the National Forests is intended to be an extra charge for a special use of the range. It should not be included with the season fee, but should be figured separately upon the basis of the number of ewes or does to be lambed or kidded. The control of suitable lambing grounds is one of the most important factors in successful sheep raising. The intensive method under which sheep must be handled during the lambing season causes more damage to the range than ordinary grazing, and the lambing charge is made for the use of the range for a special purpose which causes more than ordinary damage to the range. It is not on account of the additional feed required by the lambs.

#### **PAYMENTS.**

**REG. G-10.** All grazing fees are payable 30 days in advance of the beginning of the grazing period, unless otherwise authorized by the Secretary of Agriculture. When an applicant for a grazing permit is notified by the supervisor that his application has been approved, he will remit the amount due for grazing fees to the district United States depository, and upon receipt of notice by the supervisor that payment has been received a permit will be issued allowing the stock to enter the Forest and remain during the period specified.

Persons who fail to pay the grazing fee 30 days before the beginning of the grazing period must notify the supervisor and give satisfactory reasons, or within the discretion of the supervisor may be denied a grazing permit the following season. Whenever any stock is removed before the expiration of the permit, it can be replaced by other stock to fill out the number covered by permit if the forest officer is notified of such action at once. Fifteen days may be added to the grazing period, in the discretion of the supervisor, without charge.

#### **Fees Payable in Advance.**

The approval of an application to graze stock on Forest land does not authorize the grazing of the stock. Persons who place stock upon a National Forest before they have paid the grazing fees due and secured a permit are guilty of grazing trespass, thereby becoming subject to a demand for damages, or, in aggravated cases, to civil or criminal action.



**Payments on Five-Year Permits.**

Payments on five-year permits will be made annually in advance in accordance with the provisions of Regulation G-10 and the instructions under that regulation.

**How Payments Are Made.**

When payment of a grazing fee is required, the supervisor will furnish the applicant with a letter of transmittal (Form 861-G), which must accompany the remittance to the United States depository.

**Additional Time Allowance.**

The supervisor may allow stock to enter not more than 15 days in advance of the date fixed for the beginning of a grazing period, or allow it to remain 15 days after the expiration without additional charge, when the needs of the people demand such action and the condition of the range warrants. The additional time allowed shall not exceed a total of more than 15 days during any one grazing season, and will not be stated in the permit, but permission to enter before or remain after the regularly established dates will be given either by general notice or by letter written to the applicant.

**REFUNDS.**

**REG. G-11.** Grazing fees will be refunded for nonuse of the permit when, in the opinion of the district forester, the applicant is prevented from using the range by circumstances over which he has no control, or his range is trespassed upon, or renewal of permit is allowed to a purchaser of the stock.

In the discretion of the district forester, refunds may also be granted in cases where after payment has been made the permittee for some reasonable cause does not use the range and the demand for grazing privileges makes it advisable to reallocate the range to another applicant.

**Excess Payments.**

Whenever payment in excess of the amount due is made, the amount overpaid will be refunded.

All claims for refunds must be made in writing to the supervisor and must be accompanied by a statement giving the reasons for not using the permit. This may be either the written statement of the permittee or a report by a forest officer who has looked up the case.

**Conditions Warranting a Refund.**

In order to avoid securing fees from two different persons for the same range allotment, if the permittee's failure to use the range is based upon reasons acceptable to the district forester

and the range can be reallocated to another applicant without loss of revenue to the Government, refunds may be made. Unusual climatic conditions, floods, high water in streams, heavy snow, etc., or infectious disease causing quarantine by Federal or State authority, loss of stock caused by poison, disease, railroad wrecks, or in some unusual manner, are all good reasons for refund. If the district forester is satisfied that the permittee has exercised good business judgment and used proper methods in handling his stock and was still unable to place it upon the allotted range, a refund may be granted. In all cases of unusual loss where it is either impracticable or impossible for the applicant to secure other stock, a refund may be made, but if the stock can be replaced this should be required, as in the case where a portion of the stock has been sold and removed from the range.

#### **Loss of Range Through Trespass or Error.**

An equitable portion of the grazing fees may be refunded when a permittee is prevented from enjoying the full use of his range by reason of trespassing stock entering upon it or on account of an error by a forest officer.

#### **Sale of Stock.**

No refund will be made on account of stock having been sold except in cases where the fees have been paid prior to the opening of the grazing season, the stock have not entered the Forest, the preference in renewal of the permit is waived by the original owner to the Government and the purchaser is allowed a permit. In such a case the fees on the number of stock repermited may be refunded to the original permittee on his request.

The amount which will be refunded will not exceed the amount of the fees due on the permit issued to the purchaser. The difference, if any, between the amount paid on the original permit and the amount due on the new permit will not be refunded. A permittee who sells his stock under conditions which justify a full renewal of the permit to the purchaser and signs a waiver to its renewal to himself (Form 763) is entitled to a refund of the full amount paid. If the conditions justify a renewal for only 80 per cent of the number of stock covered by the original permit, then 80 per cent of the original payment will be refunded.

#### **Failure to Purchase Stock.**

Persons who make application to graze stock which they do not own but intend to purchase will not be entitled to a refund because they fail to secure the stock. They may, however, reserve the right to place stock upon the range at any time during the period allowed by the permit.



## APPORTIONMENT OF GRAZING PRIVILEGES.

## Notice to Applicants.

REG. G-12. The supervisor will give the public notice each year of a date on or before which all applications for grazing must be presented to him. Permits may be refused to persons who do not file their applications within the required time, unless satisfactory reasons are given.

## Notification of Permittees.

All persons who held permits during the previous year will be notified by postal card or circular letter of the date upon which applications for grazing permits must be filed with the supervisor.

## Final Date for Receipt of Applications.

Applications must be received, range allotments made, and permits issued before the beginning of the grazing season. This necessitates fixing a date sufficiently far in advance to enable the supervisor to complete the work of issuing the permits. The date having been widely published, it will be assumed that the applications on file on that day represent all the users of the Forest range entitled to consideration, and the supervisor will then proceed to allot the grazing privileges.

The receipt of applications will be acknowledged by supervisors.

## APPLICATIONS FOR PERMITS.

REG. G-13. The Forester may authorize the approval of applications for grazing permits effective during periods of five years or less, but revocable at any time within the discretion of the Secretary.

Permits for the five-year period will be issued with the understanding that during the life of the permit no reduction in numbers will be made except as provided in Regulation G-20 or when necessary to protect the forest or range.

All applications for grazing permits must be submitted on blank forms which will be furnished by the supervisor and the information necessary to complete the application must be furnished in detail. The number of stock must not be greater than the number the applicant actually owns or intends to purchase or less than the number he intends to graze upon the Forest. Speculation in the use of grazing permits will not be allowed, and permits will be refused or revoked for intentional false statement of the number of stock owned.

When authorized to do so by the district forester, a supervisor may require an applicant to supplement and confirm his grazing application by a detailed statement subscribed and

sworn to before a Federal or State officer empowered to administer oaths.

Under the same authority any permittee may be required to submit for inspection all books, papers, and records pertaining to the purchase, sale, or ownership of any live stock grazed under permit or for which an application is filed for a permit by any individual, partnership, or corporation. Such information shall be considered as confidential unless the interests of the United States require its use in court proceedings.

**Application Should Be Complete.**

Forest officers should require that every question contained in Forms 298 and 879 shall be answered by the applicant, either affirmatively or negatively. The information required to complete the forms serves as the basis for the apportionment of grazing privileges and constitutes the record maintained by the Forest Service.

**Marks and Brands of Stock.**

If the application shows that the stock to be grazed bear marks or brands not recorded in the name of the applicant or known to be his property, proof of the actual ownership of such stock should be required before the application is approved.

If the stock actually placed upon the Forest is not marked or branded as shown in the permit or with a mark or brand known to be the property of the permittee, the permittee should immediately be required to submit acceptable proof of ownership or else to remove the stock from the Forest.

**Separate Applications.**

In the issuance of permits stock are divided into two classes, one including cattle, horses, and swine, the other sheep and goats. The permits are designated and filed separately. A single applicant desiring to graze both classes of stock upon a single Forest should be required to submit two applications, one for each general class of stock.

**Certified Statement.**

When necessary, an applicant may be required to furnish a certified statement showing the name, residence, and interest of any other person in the stock covered by his application. The district forester may require firms or corporations to furnish a certified statement of the name and residence of all members and stockholders.

**Partnerships or Corporations.**

If the supervisor has reason to believe that a new applicant, or one seeking the renewal of a permit on account of purchase, already holds an interest in a company grazing stock under per-



mit, he may require this information, or may require it if there is a question of preference between two companies or corporations.

#### **Sworn Statement.**

A sworn statement of the essential facts may be required of applicants by a forest supervisor.

#### **False Statements or Suppression of Material Facts.**

If at any time between the first allotment of a grazing privilege and the final closure of the case, through the acceptance by the forest supervisor of a waiver of grazing privileges, it is discovered that the original allotment of the privilege or its subsequent renewal was secured by willful misrepresentation or the suppression of material facts, the permit shall be revoked and the grazing privilege declared forfeited upon the termination of the current grazing period, even though the permitted stock have in the meantime been transferred to a purchaser.

#### **Error on Part of Forest Officer.**

The Forest Service will not revoke or reduce a permit because of a mistake made by a Forest officer, if the permittee has furnished the required information and has not contributed to the original error.

#### **Statement of Ownership.**

As an applicant is classified by the total number of stock he owns or expects to purchase, exclusive of stock exempt under Reg. G-5, the application should be filled out accordingly.

#### **Stock to Be Purchased.**

When applications for permits are made to graze stock which it is intended to purchase, a statement to that effect will be made on the application blank.

An applicant who does not own the stock for which permit is desired, but whose prior use of the range entitles him to consideration, may secure a grazing permit on his certification that the stock will be purchased. Satisfactory evidence of legal title to the stock will be required before it is allowed to enter the Forest.

#### **Applications for Five-Year Permits.**

When authorized by the Forester applications may be approved for permits during a five-year period. On Forests where the issuance of five-year permits has been approved, applications for such permits received subsequent to the initial year will be approved for the unexpired portion of the five-year period—four, three, or two years, as the case may be—so that all five-year permits on that Forest will expire the same year.

Applications for five-year permits will be made on Form 298 or Form 925 (G-7), as the case may require.

Five-year permits will be revoked for failure to pay the grazing fees for any one year or for failure to use the range for more than one year, unless unusual circumstances exist.

Except as otherwise specifically provided, all grazing regulations and instructions for annual and short-term permits will apply with equal force and effect to five-year permits.

#### **Method of Approving Applications.**

The supervisor will immediately notify the applicant of the approval of his application by a letter of transmittal showing the number of stock for which the application has been approved, the period, and the fees to be paid.

#### **Method of Disapproving Applications.**

When a grazing application is disapproved, the supervisor will notify the applicant by letter, giving the reasons for his action.

### **QUALIFICATIONS OF APPLICANTS.**

**REG. G-14.** Grazing permits will be issued only to persons entitled to share in the use of the range within National Forests by virtue of prior use and occupancy of National Forest lands for grazing purposes; or by local residence, ownership of improved ranch property, and dependence upon the range; or by the acquisition of stock grazed upon National Forest lands under permit and of improved ranch property used in connection with the stock, under circumstances which warrant an entire or partial renewal of the permit issued to the former owner, except when there is surplus range, in which case temporary permits may be issued to owners of transient stock, or to regular permittees for an increased number of stock.

After three years' use of surplus range under temporary permit an owner of ranch property commensurate with the stock may, within the discretion of the district forester, be allowed permanent renewal within the maximum limits upon the basis of regular use and occupancy.

All stock grazed under paid permit on a National Forest must be actually owned by the permittee at the time the animals enter the forest and during the entire time they are grazed there.

Nonuse of a range during one year, except as authorized by the Forester, will be sufficient grounds for the denial of grazing privileges.

For all purposes of permanent allotment each member or stockholder of a firm or corporation will be considered as holding a permit to graze the full number of stock covered



by any and all grazing permits issued to such firm or corporation. This shall also apply to stockholders of any corporation not itself the holder of a grazing permit but which owns or acquires shares of stock in another corporation holding a grazing permit. The individual permit of a person who acquires an interest in the permit of any firm or corporation will be subject to reduction in its renewal when the combined number of stock covered by all permits in which the person is interested exceeds the maximum limit.

#### **Nonuse of Range.**

At the discretion of the district forester applications from persons with established grazing preferences may be disapproved and the preference revoked for failure to apply for renewal of permit during the previous grazing year, unless a statement giving satisfactory reasons was filed with the supervisor before the opening of the grazing season of the previous year, so that, if desirable, the supervisor could have made temporary disposition of the range thus vacated.

Permittees who receive permits and fail to make use of the range allotted to them and who do not notify the supervisor of such nonuse before the expiration of the grazing season for which the permit was issued may have their grazing privileges reduced or be denied renewal of permit and have their grazing preference revoked for such nonuse, at the discretion of the district forester.

Nonuse of a range by a new applicant will cause him to forfeit all preference which has been allowed him, unless such nonuse was caused by circumstances over which he had no control. (See also "State or Federal employers.")

#### **Ranch Property Must Be Commensurate.**

Ranch property will ordinarily be construed to mean lands producing cultivated crops which are used for feeding live stock, but in localities where the production of feed is not a requisite to the stock business the ownership of spring and fall range or lambing grounds by a bona fide local resident dependent upon the use of the range will be given nearly the same if not equal weight with the ownership of cultivated lands. The same is true of the ownership of water rights which control adjoining National Forest range. Property of this sort must be commensurate with the number of stock and actually dependent for its value upon National Forest range.

#### **Definition of the Term "Commensurate Ranch Property."**

The term "Commensurate ranch property" as used in the National Forest regulations shall mean ranch property of the kind and amount necessary to furnish feed or forage for the stock

in accordance with the customs of the locality during the portion of the year when it is not grazed upon the National Forest, except that when the stock is grazed upon the Forest during the entire year it shall then mean the kind and amount of ranch property required in connection with proper handling of the stock.

**Ranch Property Must Be Owned.**

A person can not qualify as a permittee through the leasing of land or ranch property. Only actual owners of ranch property used in connection with the permitted stock will be recognized as qualified to share in the use of the Forest ranges, except on the basis of prior use.

**Residence.**

Residence is simply an index in determining the degree of dependence. A person residing at a distance from a National Forest must have other ranges open to him and can not be considered so dependent upon Forest range as one residing near by.

**Status Determined by Holdings.**

An applicant's status is determined by the total number of all classes of stock owned by him. He can not be a class A cattle owner and a class B sheep owner. If he owns either class of stock in excess of the protective limit for that class he is a class B owner, or if he owns a per cent of the cattle protective limit and also a per cent of the sheep protective limit, which combined exceed 100 per cent, he is in class B. For example, the protective limit being 100 head for cattle and 1,200 head for sheep, if he owned 50 head of cattle and 500 head of sheep (92 per cent) he would be in class A, but if he owned 75 head of cattle and 750 head of sheep (137 per cent), he would be in class B. An applicant owning sheep and cattle may, however, be in both class B and class C.

**New Settlers, Classification of.**

New settlers upon unimproved Government or patented lands will not be regarded as having gained a permanent preference until they have demonstrated the good faith of their settlement by three years of residence, improvement, and cultivation, and by compliance with the United States land laws, or satisfaction of contract agreements. They may, however, be granted the same preference in the use of the range that is granted to bona fide class A applicants, provided that the grazing privileges granted will be temporary in character during the three-year period, and will not be in excess of the settler's actual needs or so large that they will appear to be the principal object in filing upon or purchasing the land.



**New Applicants, Class B.**

Applications from new class B owners will be approved only under the following conditions:

Upon the basis of the purchase of the stock and ranches of permittees holding regular grazing permits; upon the basis of the purchase of only the stock when the applicant owns commensurate ranch property; for temporary permits on Forests where there is surplus range and the issuance of such temporary permits will not entail reductions on holders of established grazing preferences or debar class A applicants.

**Cooperative Association.**

A cooperative association is an organization formed for purposes of economical management of stock upon the range, wherein the stock of the different owners are run together under joint management, although each member retains absolute personal title and right of possession to the stock grazed in his name, enjoys actual personal use of the range to the full extent of his permit, and acknowledges personal responsibility for the proper management of his stock within the Forest. Each member of such a cooperative association must make individual application for the number of stock for which he desires permit. The approval of the application will be based upon the individual qualifications of the applicant. In no case will the total number of stock grazed under permit by all members of a cooperative association be allowed to exceed the established maximum limit.

**Use of Common Mark or Brand.**

The use of a common mark or brand will not be allowed, but the distribution of profits, losses, and running expenses on a pro rata basis will not be considered objectionable if conclusive proof is submitted to show that no part of the benefits derived from grazing each specific number of stock upon the National Forest range is to be shared by others than the permittee.

**Firm, Partnership, or Copartnership.**

A firm or copartnership must be in either class B or class C, for it can not be in class A. It can establish a grazing preference in three ways. By use and occupancy of the lands included within the Forest prior to its creation; by the purchase of the stock or ranches, or both, of a permittee under conditions justifying a renewal of the permit; or, on Forests not fully stocked, by joint ownership of commensurate, dependent, improved ranch property, or individual ownership of such ranch property commensurate with each member's interest in the permitted stock, and three years' successive use of range under temporary permits.

**Corporation.**

A corporation can not be given the same consideration as an individual owner; it must be in class B or C. Between two corporations, one composed of local residents and the other of non-residents, preference will be given the local corporation. In no case will the individuality of the members of a corporation be considered in competition with independent individual owners.

**Partnerships or Corporations as New Applicants.**

Grazing permits will not be issued to new firms or corporations when the members or stockholders of either such firms or corporations hold permits to graze numbers of stock which combined exceed the maximum limit established for the Forest. The consolidation of permits will not be allowed when the combined number of stock is more than the maximum limit.

**Membership in Firms or Corporations.**

In order to prevent monopoly the total number of stock permitted to a firm or corporation is charged to every member thereof. This principle will apply to any new firms or corporations applying for grazing privileges which includes in their membership any members of a firm or corporation or any other persons who already hold grazing permits. (See Reg. G-17, par. 2.)

**List of Stockholders.**

When necessary to determine the status of a corporation holding permit, the supervisor may request such corporation to furnish a certified list of its stockholders or a list of the stockholders of any corporation holding shares of its stock. This list must give the names of all stockholders and the amount of stock held or owned by each. When such information has been requested by the supervisor, renewal of permit will be withheld until a satisfactory list of the stockholders has been furnished.

**Married Women, When Recognized as Class A New Applicants.**

One of the principal purposes in regulating the acquirement of grazing privileges on the National Forests is to make the use of the range contribute to the development and support of the greatest number of home units. For this reason a married woman will only be considered as entitled to grazing privileges when she is in some way debarred from sharing in the grazing privilege enjoyed by her husband, owns and resides upon an improved ranch separate and apart from that of the husband, and is entirely dependent upon her own resources for a livelihood and the maintenance of her home. The technical division of the home, ranch property, or live stock owned by a man and wife will not qualify the latter as a class A new applicant.



**Married Women, General Status as Applicants.**

If the State laws give a married woman the right of independent ownership of real estate and live stock, or if she is qualified under the State laws to make contracts and engage in business in the same manner that a single woman may do, and she personally possesses the other qualifications requisite to a share in the use of the Forest ranges, she may be recognized as a class B new applicant or as the purchaser of permitted stock, and as such may be granted a permit to graze upon the Forest the live stock of which she is the actual legal owner, provided that the total numbers of stock grazed under permit by both the woman and her husband do not when combined exceed the maximum limit established for the Forest.

**Unmarried Women.**

An unmarried woman of legal age is entitled to full consideration as a new applicant if she desires to take out a grazing permit.

**Minors.**

A minor not less than 16 years of age who is the head of a family and its principal means of support, or who is using and occupying range at the time it is included within a National Forest, will have exactly the same status as an applicant of legal age, no preference being gained or lost by the fact of minority. With these exceptions, applicants of legal age will be given preference over similarly qualified applicants who are not of age.

Minors not less than 16 years of age who are under the control of parents or guardians may be recognized as new applicants upon Forests which are not fully stocked where the recognition of the minor will not entail the denial of permit to a qualified applicant of legal age. They may also be recognized as purchasers of permitted stock and granted permits in accordance with the restrictions of Regulation G-18. In neither case will a permit be issued for a number of stock which, when combined with the number grazed under permit by the minor's parent or guardian, will exceed the maximum limit established for the Forest.

**Estates.**

Pending the division of an estate, a full renewal of the permit held by the deceased should be allowed in the name of the estate and the duly appointed administrator.

**Estate Not Property of Heirs.**

An estate that has not been divided by court decree will not be considered as belonging to the heirs or devisees, even though

the property may have been specifically apportioned by will, or by agreement between the interested parties. Pending division, the grazing privileges enjoyed by the respective heirs will not alter the status of the privilege held by the estate, nor will that privilege alter the status of the heirs, until divided.

#### **Heirs to Owners of Permitted Stock.**

As a general rule an heir or devisee should be considered as in the same class with one who has purchased stock grazed under permit. Upon the issue of a court decree dividing the estate the privileges allowed the estate will be granted the beneficiaries under the rule governing the renewal of permits on account of purchase, except that the permit for that portion of the stock allotted by the court decree to the widow of minor heirs will not be subject to the reduction made in the renewal of permits to purchasers. (See "Renewal to estates.")

#### **Lessees and Herders.**

A person leasing stock or running it on shares or herding it for the permittee is regarded as an employee only, and he can not be allowed any preference in the use of the range by virtue of the fact that he has run the stock under lease or on shares or has handled it for the owner. The status of the owner determines all preferences allowed in the issuance of grazing permits.

#### **State or Federal Employees.**

Permittees employed by the State or Federal Government, who wish to discontinue the use of the range without losing their preferences, may do so by filing a statement of their employment and probable duration, the disposition made of their stock, and authorizing the supervisor to dispose of their range privileges. Upon the expiration of their term of service their preference in the allotment of permits may be restored to them subject to any reductions or restrictions made during their absence or effective at the date of their reapplication.

#### **Temporary Use of Range.**

The provisions of Regulation G-14 and the instructions issued thereunder apply primarily to National Forests which are, or soon will be, fully occupied by the stock of permittees in classes A and B. In Forests where the supply of forage is in excess of the requirements of permittees in classes A and B, temporary permits may be issued to applicants who do not possess any or all of the qualifications prescribed, or to qualified permittees who are already grazing numbers of stock representing their fair share in the permanent use of the Forest range.



**When Temporary Permits Become Permanent.**

Within the discretion of the district forester temporary permits for the use of surplus range which are renewed for three successive years may become permanent and subject to renewal under the same conditions as other permits based upon prior use and occupancy of the range; provided the permittee is the owner of improved ranch property commensurate with the total number of permitted stock, and which will be used in connection with his business. This will not apply to any temporary permits issued previous to the date on which these regulations take effect.

The use by a temporary permittee of the range allotment of a regular permittee during his absence will not entitle the temporary permittee to the privilege of renewal. Surplus range is range in excess of that needed to provide for all permittees having established grazing preferences.

**PREFERENCES.**

**REG. G-15.** Citizens of the United States will be given preference in the use of the National Forests, but persons who are not citizens may be allowed grazing permits provided they are bona fide residents and owners of improved ranch property either within or adjacent to a National Forest.

A corporation will not be given citizenship preference in the use of National Forest ranges unless 80 per cent of its capital stock is owned by persons who are citizens.

Regular occupants of the range who own and reside upon improved ranch property in or near National Forests will be given first consideration, but will be limited to a number which will not exclude regular occupants who reside or whose stock are wintered at a greater distance from the National Forests. With this provision applicants for grazing permits will be given preference in the following order:

**Class A:** Persons owning and residing upon improved ranch property who are dependent upon the National Forest for range and who do not own more than the established protective limit number of stock.

**Class B:** Regular users of National Forest range who do not own improved ranch property; and persons owning such ranch property who own numbers of stock in excess of the established protective limits.

**Class C:** Persons who are not regular users of National Forest range and who do not own improved ranch property. Class C applicants will be granted temporary permits only and upon Forests which are not fully occupied by permittees of classes A and B.

Persons who have not regularly used the range within newly created National Forests during preceding years will not be allowed to place stock upon it for the purpose of establishing a grazing priority, unless they are bona fide settlers who are entitled to share in the use of the range as class A applicants or there is unused range.

Unless there is surplus range available permittees of classes B and C will not be allowed to increase the number of stock grazed under permit except by the purchase of other permitted stock under circumstances which warrant a renewal of the permit held by the original owner.

#### **No Legal Rights.**

No one can acquire a right to the use of National Forest range, but he may acquire a preference in the allotment of grazing privileges. This preference does not entitle him to continued use of a certain part of a forest, but only to a preference over other applicants less entitled to consideration in the use of the ranges open to the class of stock which he wishes to graze. From their very nature these preferences possess relative degrees of superiority and consequently have a number of gradations.

#### **Aliens.**

New applicants who are not full citizens of the United States, in conformity with the naturalization laws of the United States and the State in which they may reside, may be allowed to share in the use of National Forest ranges provided they meet all requirements of ownership of commensurate ranch property and stock and other qualifications imposed upon citizens of the United States.

Permits issued to such alien applicants shall be temporary, and the provisions of Regulation G-14 concerning three years' use under temporary permits shall not apply.

No properly qualified citizen of the United States will be denied a permit or subjected to a reduction in permit number to provide range for an applicant who is not a citizen of the United States.

#### **Definition of an Alien.**

For the purpose of establishing the status of an alien it shall be understood that all foreign-born persons who have not yet completed their citizenship by securing their final or second papers of citizenship shall be considered as aliens within the meaning of these instructions.

#### **New Forests or Additions.**

During the first season after the creation of a new Forest or addition, grazing privileges will be allotted on the basis of prior



use and occupancy. Bona fide class A settlers may be recognized as new owners, but with this exception, permits will be restricted to those stock growers who submit proof of previous use and occupancy during two or more years. No permit will be granted for a number of stock larger than the average number grazed by the applicant during the two years preceding the establishment of the Forest, unless the applicant, as a class A settler, is reasonably entitled to increase toward the protective limit. After the first season the apportionment of grazing privileges will be strictly in accordance with the following rules of preference:

**How Preferences Are Gained.**

Preference may be secured in the following ways:

(a) By prior use and occupancy of lands included within a National Forest.

(b) By local residence, ownership of improved ranch property, and dependence upon the range for a livelihood. (See instructions under "Permits to new owners.")

(c) By the renewal of a permit formerly held by a copartnership or corporation to each individual member for a number of stock equal to his share in the original permit. (See instructions under "Renewal of permits.")

(d) By the purchase of a permittee's stock or ranches, or both, under circumstances justifying a renewal. (See instructions under "Permits to purchasers of permitted stock.")

(e) By inheritance of a permittee's stock or ranches, or both, under circumstances justifying a renewal of the permit. (See instructions under "Permits to purchasers of permitted stock.")

(f) By regular use of Forest range under temporary permit for three consecutive years, and ownership of improved ranch property commensurate with total number of stock grazed.

For convenience in recording basis of recognition on card Form 621 and for reference in correspondence, preferences will be arranged in three classes:

- (1) Prior use.
- (2) Grantees.
- (3) Purchasers.

**Prior Use.**

The regular use of a range during its open season for several successive years before creation of a Forest and under continued grazing permit thereafter is what is meant by "prior use" or "regular occupancy." So far as is consistent with other conditions, preference will be given to those who have continuously used the range for the longest period.

**Grantees.**

Grantees are those permittees who have been recognized as new applicants since the creation of the Forest and whose preference in the use of the range was secured by grant from the Government rather than on the basis of prior use or the purchase of permitted stock.

**Purchasers.**

Purchasers are those permittees who have purchased a permittee's stock or ranches, or both, or have secured stock and ranches through inheritance.

**Order of Preference.** (See also "Status determined by holdings.")

Applicants for grazing permits will be given preference in the following order:

*Class A.—Small, near-by owners.*—A class A owner is one who does not own more than the protective limit number of stock established for the Forest or division, who owns and actually resides upon an improved ranch, and who is dependent upon the use of the National Forest range in connection with his ranch property. Until the protective limit is defined it is within the discretion of the supervisor to determine whether an applicant is a large or small owner. A firm or corporation can not be considered as a class A applicant, but may be allowed exemption from reduction below the protective limit.

*Class B.*—Class B includes owners of improved ranch property and stock in excess of the protective limit; owners of stock either above or below the protective limit who do not own improved ranch property but who have established permanent preferences through prior and regular use; and all copartnerships, companies, and corporations either above or below the protective limit. Upon Forests which are fully stocked all permittees in this class must secure their permits on the basis of prior use and occupancy or the purchase of the stock and ranches of persons holding permits. Upon Forests not fully stocked they may also secure temporary permits.

There may be several grades of class B applicants. One who owns a large amount of improved ranch property, or who resides in the vicinity of the Forest, or who has used the range during a long period of years, or who feeds his stock during the winter, may be given preference over one who does not own improved ranch property adjacent to the Forest, or who resides at a distance from the Forest, or who has only used the range a few years, or who winters his stock on the range. Class B permittees are subject to sliding-scale reductions, although usually such reductions are not applied to permits for less than the protective limit.



*Class C Owners of transient stock.*—Class C embraces all grazing applicants not falling within classes A and B. A speculator who buys stock and places it upon the range at intervals or the nomadic stockman with no fixed range who trails his stock to widely separated ranges would be class C owners. Class C permittees will be entirely excluded from the Forest before any reduction is made upon class B permittees.

#### **Dependence Upon Range.**

Dependence upon the use of National Forest ranges will be determined by the actual economic needs of the applicant for grazing a certain number of live stock in order to utilize the products of his land which could not otherwise be economically marketed.

Within such reasonable limits as may be established by the district forester, the owners of land of such character and so located that its profitable use is dependent upon the production of forage crops which can be marketed only by feeding live stock will be given a preference in grazing privileges over the owners of land which can be used profitably for the production of crops which can be marketed in other ways.

#### **Preference to Citizens of State.**

If all other conditions are equal, new applicants who reside within the State in which a Forest is located will be given a preference over applicants who reside in adjoining States.

#### **Retention of Preferences.**

Grazing preferences can only be retained by a continual use of a range. Permittees who apply to graze a reduced number of stock can not expect range to be reserved for them for a higher number later on. In the case of a voluntary reduction, other applications may be approved for the number by which the first permit was reduced. The preference thus gained will not be surrendered because the first permittee applies a year or two later to graze the original number of stock.

#### **Waiver of Preference.**

A person who has signed a waiver of grazing privileges will not be recognized as a new applicant or be granted an increase in permit number, except on account of purchase, until after three years from the date of waiver, unless there is surplus range. He may secure at any time a renewal of permit as a purchaser of permitted stock. (See instructions "Permits to purchasers of permitted stock." Reg. G-19.)

#### **Preferences Gained Under Temporary Permits.**

When the temporary permit covers different numbers of stock during different years, a grazing preference will be allowed only

for the smallest number of stock grazed during any one of the three years, but temporary permits may again be issued for the use of the surplus range.

All preferences gained through use of the range under temporary permit will be subject to the established maximum limits, and no such permit will be issued to a permittee above the maximum limits, except with the distinct understanding that it is temporary and not renewable.

#### **Foreclosure of Mortgage.**

If a mortgage on stock is foreclosed, the permittee does not lose his preference in a permit for the following season, and unless he has returned his permit to the supervisor and consented to the issuance of a permit to the mortgagor as a purchaser for the remainder of the grazing period, he may replace the stock. The person foreclosing the mortgage may be allowed, with the consent of the permittee, to continue grazing the stock during the remainder of the current grazing period under the same conditions as a purchaser, but secures no privileges of renewal unless the owner of the stock signs a waiver of his renewal preferences. (Also see "Permits to purchasers of permitted stock.")

The foreclosure of a mortgage covering both stock and ranch will not cause a permittee to lose the preference allowed him in use of the range if he replaces the stock and secures another ranch equally dependent upon the range.

#### **Transfer to Another Forest.**

A grazing preference can be transferred from one Forest to another only when the first Forest is overstocked and the second Forest is understocked and the transfer will be generally beneficial. In this event a transfer may be allowed if both supervisors approve.

#### **PROTECTIVE AND MAXIMUM LIMITS.**

REG. G-16. When necessary to secure an equitable distribution of grazing privileges, the district forester will establish protective limits covering the number of stock for which the permits of small class A owners will be exempt from reduction in their renewal. It will be within the discretion of the district forester to establish general protective limits applicable to the entire Forest or special protective limits for each grazing district, such limits to be based upon the character and intensity of the demand for grazing privileges within each district. Permits for numbers of stock in excess of the protective limits will be subject to necessary sliding scale or other reductions and will not be subject to increase in number except through purchase of stock and ranches of other permittees, or



through three years' use of temporary permits. (See Regs. G-14 and G-18.)

When necessary to prevent monopoly of the range the district forester will establish maximum limits in the number of stock for which a permit will be issued to any one person, firm, or corporation. Unless otherwise authorized by the district forester, such maximum limits, when established, will apply with equal force and effect to permits covering live stock, the possession of which may be transferred to any person, firm, or corporation under a lease, option, or a contract to purchase, or other form of agreement, and no such person, firm, or corporation shall be allowed to graze upon the Forest a number of permitted stock in excess of the established maximum limit. The maximum limit may, in the discretion of the district forester, be made applicable to a portion of a Forest, to an entire Forest, or to a group of contiguous Forests. Permits for numbers of stock in excess of the maximum limits will be issued only to persons who, during the preceding year, held permits to graze numbers of stock equal to or greater than that for which application is made. The district forester may suspend the maximum limit in special cases.

#### **Protective Limits, General Purpose.**

Protective limits are established to protect permittees from reductions in the number of stock which they are allowed to graze under permit to a point where it is too small to be handled at a profit or to contribute its proper share toward the maintenance of a home. The average number of stock which a settler must graze in order to utilize the products of his farm or derive a reasonable profit will be determined upon each Forest or, if necessary, upon each grazing district thereof, and will serve as the basis for the protective limit.

#### **Variation in Protective Limits.**

Protective limits have been established for various Forests running from 25 to 300 head for cattle and horses, and from 500 to 2,000 head for sheep and goats. The limit on sheep is proportionately higher than on cattle, because as a general rule the cost of handling is increased by requiring a man to run less than one full band. With cattle or horses, which can be turned loose upon the range, a proportionately smaller number of animals can be run with profit. Under ordinary conditions the average number of stock per permit may be the basis for the protective limit of the Forest.

#### **Establishment of Protective Limits.**

When in the judgment of the district forester it becomes necessary for the protection of class A owners, he will estab-

lish protective limits for each kind of stock, and renewals of all permits within such limits will be made without reduction. It will be within the discretion of the district forester to establish limits uniformly applicable to the entire Forest or special limits for each grazing district of the Forest. A holder of a permit for one class of stock may secure a permit for another class, providing the number holds the inverse ratio to the protective limit. For example: A holder of a cattle permit for 75 head on a Forest where the protective limit is 100 head may also be allowed a permit to graze 300 sheep if the protective limit on sheep is 1,200 head.

#### **Maximum Limits, General Purpose.**

When necessary to prevent monopoly in the use of the range through the purchase of permitted stock and ranches or to effect a wider distribution of grazing privileges, the district forester will establish a maximum limit upon the number of stock allowed to any one applicant, such limit to be effective within a part of a Forest, an entire Forest, or a group of contiguous Forests, as decided by the district forester. No permittee will be allowed to increase his grazing preference above this limit. When necessary, reductions in permits for more than the maximum limit will be made in accordance with the sliding scale.

Renewals of old permits in excess of the maximum limit may be allowed, but the purchase of stock and ranches will not entitle the purchaser to a renewal of permit in excess of it. Exception to this rule may be made by the district forester when an established outfit holding permit in excess of the maximum limit is sold to a single purchaser.

Established maximum limits will apply to lessees, persons in possession of permitted stock under a contract to purchase, or any other form of agreement giving exclusive possession and control of the permitted stock. In such cases permits should be refused to the actual owners of the stock unless the renewal or continuance of the privilege is specifically authorized by the district forester.

#### **RENEWAL OF PERMITS.**

**REG. G-17.** Grazing permits will be renewed only when the grazing of the class of stock involved is authorized by the Secretary of Agriculture. A permit may be divided in its renewal because of division of stock and ranches between two or more owners or purchasers. Permits for numbers of stock in excess of the established protective limits will be subject to reduction in their renewal, and no division or sale of stock and ranches will exempt such permits from reduction.



A permit issued to a corporation will be subject to reduction if, at any time subsequent to securing its first grazing privilege on the Forest, a majority of the shares of stock are held by stockholders other than those holding them when such privilege was granted.

In renewing a permit to a corporation, a reduction will be made of the number of stock by which the combined permits exceed the maximum limit, if subsequently to the issuance of its last permit more than 20 per cent of its capital stock has been transferred to or purchased by any person, persons, firm, company, association or corporation holding one or more permits, or interested therein in any manner, as through ownership of shares of stock in any company, association or corporation holding such permit or permits for a number of stock, which, combined with the number applied for, will exceed the maximum limit.

At the discretion of the Forester, renewal of permit may be refused when the permittee has willfully violated the terms of either his application or permit. (See Reg. G-14.)

The Forester may authorize the insertion in permits of stipulations, special rules, or other requirements which may be deemed necessary and proper for the protection or administration of the Forests.

#### **Renewal May Be Refused.**

In cases of persistent and continued violation of the rules, regulations, and instructions, renewal of a permit may be refused.

#### **Change of Residence.**

A permittee with an established preference may change his residence to a point more remote from the Forest without disqualifying for a renewal of permit, provided he retains his other interests.

#### **Disregard of Winter-Feeding Clause.**

A permit issued upon condition that the stock will be fed during the winter upon the products of the permittee's ranch will not be renewed if the stock were not so fed during the winter preceding the season for which permit is desired.

#### **Sale of Ranch.**

A permittee having a range preference based on ranch property located in or adjacent to a National Forest may dispose of such ranch property without entirely disqualifying himself for a renewal, but unless he secures similarly located ranch property his classification is changed, and the renewal of the permit will be on the basis of the changed classification.

**Temporary Extension Permits.**

In the extension of permits for the summer season to cover a longer period, temporary permits for the number of stock which have reached the age of 6 months, in excess of the number covered by the permit for the summer season, may be issued whenever this will not result in injury to the Forest.

Any increase in the number of stock allowed under such an extension is temporary, and the applicant's preference for the following year will be based on his original permit.

**Partnership Agreement.**

A permittee having an established preference may enter into partnership agreement with another person not a permittee and secure a renewal of his permit in the name of the partnership, the proportionate interest transferred being subject to the rules governing the renewal of permits to purchasers, provided that a share in both the stock and ranch property is transferred. If the purchaser already owns commensurate dependent ranch property, a share of the stock only may be transferred. (See "Firm, partnership, or copartnership.")

**Division of Outfits.**

The stockholders of a corporation or the individual members of a partnership which has been dissolved may be allowed a renewal of permit under the rules governing renewals of permits to purchasers. (Reg. G-18.)

In each case, however, in addition to the required reductions under renewals to purchasers, any reductions in the total number of stock grazed the previous year which would have been made on the original permit will be made, each renewed permit bearing its pro rata share of such reduction.

Partnership may consist of (1) joint ownership of stock and commensurate ranch property; or (2) joint ownership of stock and individual ownership of ranch property commensurate with each member's interest in the permitted stock. The renewal to each member will depend upon the division that is made. Signed agreements showing this division may be required by the supervisor. (See "Firm, partnership, or copartnership.")

A renewal on the division of stock and ranches may give a member preference in the range for a certain number of stock, but it does not define his status or whether he is in class A, B, or C.

**Renewal to Estates.**

In case of the death of a qualified permittee a full renewal of permit will be granted in the name of the estate and the duly appointed administrator until the estate is divided and distributed among the heirs by court decree, or the heirs have reached an amicable settlement of the estate without resorting



to court action. Renewal of permit to the heirs will be in accordance with the instructions governing the issuance of permits to purchasers of permitted stock. (See "Heirs to owners of permitted stock.")

In the event, however, that at the expiration of three years from the death of the permittee an estate shall not have been divided either by court decree or through amicable settlement, then the forest supervisor when issuing the permit for the following grazing season shall make the reduction upon the total number of permitted stock owned by the estate in accordance with the provisions of Regulation G-18. When this has been done and the estate is later divided the reductions contemplated under "Heirs to owners of permitted stock" shall be omitted.

#### **Renewal of Five-Year Permits.**

At the expiration of the five-year period, five-year permits will be renewed subject to such reductions as may be necessary to grant increases in class A permits to the protective limit or to approve applications from properly qualified new class A applicants, in addition to any other reductions which may be necessary to stop damage to the Forest.

#### **Renewals to New Settlers.**

After new settlers have used the range for the required three years they will be classed as regular users. The renewal of their permits thereafter will be contingent, however, upon compliance with conditions and restrictions imposed when the original applications were approved.

### **INCREASES AND REDUCTIONS.**

#### **Increases Above Protective Limit.**

Increases above the protective limit will be allowed only to purchasers of stock and ranches of permit holders or upon the basis of three successive years' use of the range under temporary permit. Any such increase will not exceed the maximum limit.

#### **Increases to Class A Permittees.**

Class A permittees owning a less number of stock than the protective limit will be allowed to increase their number gradually, but may be restricted in the number added each year. Old class A users may increase at once to the number allowed new applicants. Beyond this number increases will be by fixed percentages established by grades. On fully stocked Forests the total increase allowed combined with the total number allotted new settlers will be determined by the provisions of Regulation G-19 and the instructions thereunder. The super-

visor will determine the division of the allotment which will be made between new settlers and persons whose permits are below the protective limit.

#### **Increases to Class B Permittees.**

Upon a fully stocked Forest increases to class B permittees will be limited to those based upon the acquisition of permitted stock, but when there is surplus range within a Forest in excess of that applied for by class A owners, and such action will not require a reduction in any permanent permit, increases may be allowed class B owners up to the established protective limit number.

#### **Increases to Permittees on Feeding Basis.**

Where permits are issued on a feeding basis, increases will not be granted or permits issued for a greater number of stock than the products of the applicant's land will support during the winter season.

#### **Increase in Five-Year Permits.**

Class A five-year permittees grazing less than the protective limit number of stock may file amended five-year applications, covering an increased number of stock. If the increase is approved by the supervisor an amended permit will be issued for the remainder of the five-year period covering the number to be grazed and the original five-year permit will be canceled.

#### **Reductions.**

Where reductions are necessary, each grazing district will be considered as a unit, and the permittees occupying it will be required to meet any reductions necessary to prevent damage to the range or to provide range for new applicants entitled to graze within the district. When, owing to topographic features, it is impossible to assemble reductions in permits upon an entire grazing district, each natural grazing division may be considered as a unit. Reductions will be based upon the number of stock grazed under permit the previous year. When there is unused range on other districts within the Forest, permittees who desire to transfer a part or all of their permitted stock to such range will be given a preference in its use.

#### **Individual Reductions.**

When injury to a Forest or range is being caused by circumstances entirely within the control of the permittee, his permit will be reduced until the damage is stopped.

#### **Reductions in Different Classes of Stock.**

When an equitable division of the range has been made in any Forest or grazing district between the various classes of live stock, and the individual grazing privileges enjoyed by the



owners of either class are not excessive, no reductions will be made in one class to provide additional range for another class unless economic development of the surrounding country requires it.

When a surplus occurs in the authorization for either class of stock by reason of reductions in the renewal of permits to purchasers, revocation or cancellation of permits or failure to use the allotted range, grazing privileges may be awarded to properly qualified owners of the class of stock which, in the judgment of the supervisor, is most justly entitled to its use.

#### **Reduction in Five-Year Permits.**

No reduction in five-year permits or in the amount to be paid each year will be made for the reason that the permittee does not wish to graze the full number of stock covered by permit, except under the provisions governing nonuse. (See "Nonuse of range"; also "Renewal of five-year permits"; and par. 2, Regulation G-13.)

#### **Five-Year Permits, Maximum Limits.**

No five-year permit will be issued for a number of stock in excess of the established maximum limit for the Forest or district of a Forest. Where grazing preferences have been established for more than the maximum limit if the instructions for the Forest involved authorize such action a five-year permit may be issued for the maximum limit number and either annual or temporary permits for the excess.

#### **Range Description in Five-Year Permits.**

If during the five-year period it becomes necessary to make changes in the range originally allotted to the permittee the supervisor will issue an amended five-year permit showing the new range allotment. The original permit will be canceled.

### **PERMITS TO PURCHASERS OF PERMITTED STOCK.**

**REG. G-18.** Permits will be granted only for the exclusive use and benefit of the owners of the stock, and will be forfeited if sold or transferred in any manner or for any consideration. If stock grazed under permit is sold during the term of the permit, upon receipt of evidence that the sale is bona fide and the filing of a waiver of the grazing privilege, the supervisor will cancel the original permit and will issue, free of charge, an amended permit to the original permittee for the number of stock retained and a permit to the purchaser for the number of stock purchased, which will allow the grazing of such stock upon the National Forest during the remainder of the period paid for. Renewal of permit to the

purchaser during subsequent years will be subject to the following restrictions:

The permittee from whom the stock is purchased must have used the range during three or more successive years, unless the initial permit was secured through the purchase of permitted stock, in which event a renewal of permit to a second purchaser may be allowed after the expiration of one year from the date of the permit issued to the first purchaser. The permittee selling the stock must execute an agreement waiving to the United States all claims to preference in the use of the Forest land for the grazing of the number of stock transferred. The permit in its renewal will be subject to the maximum limit restrictions and to necessary reductions applicable to other permits of the same class, and no division of stock and ranches will exempt such permits from reduction.

Subject to the foregoing restrictions, a renewal of permit for stock purchased for not to exceed 90 per cent of the permittee's established grazing preference may be allowed the purchaser of stock grazed under permit and the ranches used in connection therewith. The mere purchase of stock grazed under permit will not entitle the purchaser to share in the grazing privilege, but if the purchaser is the owner of improved ranch property which is commensurate and used in connection with the permitted stock, a renewal of permit for stock purchased may be allowed for not to exceed 80 per cent of the permittee's established grazing preference.

A resident ranch owner who after the purchase does not own a total of more than the protective limit number of stock will be granted renewal of permit for the full number of permitted stock purchased.

On Forests not fully stocked, and where reductions on the permits of regular users are not necessary to provide for new settlers or increases to small owners, the 80 and 90 per cent stipulation in the previous paragraph may be waived at the discretion of the district forester and full renewal allowed to purchasers.

#### **Free Permits to Purchasers, Sale With Waiver.**

In case a permittee sells his permitted stock during the permit period with the intention of surrendering his grazing preference, and the purchaser wishes to continue to graze it on the National Forest, upon presentation to the supervisor of evidence that the sale is bona fide, and the required waiver (Form 763), the original permit will be canceled and a new permit issued to the purchaser without charge for the remainder of the period for which fees have been paid. If only a portion of the stock is sold, an amended permit for the number



of stock retained will be issued to the original permittee. Renewal of permit the following season will be in accordance with the restrictions provided by Regulation G-18.

**Free Permits to Purchasers, Sale Without Waiver.**

When stock is sold with the understanding that the purchaser may be allowed to graze it on the Forest during the remainder of the current grazing season, the original permittee retaining his grazing preference, no waiver will be required. Upon surrender of the permit to the supervisor he will cancel it either in whole or in part, as may be required under the sale, and issue a new permit to the purchaser free of charge, allowing the number of stock purchased to be grazed during the remainder of the period covered by the original permit. No transfer of fees is necessary.

**Waiver of Preference.**

Where the renewal of a permit is allowed a purchaser of stock, a written waiver (Form 763) of all claims of the original permittee to a renewal of the permit for the stock sold should be filed with the supervisor. This leaves the supervisor free to renew the permit to the purchaser, if such action is justified, but no action should be taken by the supervisor which in any way obligates the Forest Service to allow a renewal of the permit. (See "Waiver of preference.")

**Payment of Bonus.**

The payment of any bonus, premium, or advance in the price of either the stock or ranch property involved, over and above its actual value or the giving of any consideration to the original permittees for the purpose of securing the filing of a waiver of grazing privilege upon a National Forest is prohibited and will be sufficient cause for the forfeiture of all grazing preferences based upon the purchase of permitted stock or ranch property for which bonus is paid.

**Proof of Validity of Transfer.**

Such other information must be furnished by the purchaser as may be necessary to satisfy the supervisor that the sale is bona fide.

A statement showing the character and amount of ranch property upon which the application for renewal is based and the relationship it would bear to the stock should be submitted.

Unless the evidence shows conclusively that title to the stock involved passed directly from the person executing the waiver to the purchaser applying for the permit, renewal of the permit will not be allowed.

If considered advisable by the supervisor, statements submitted under these instructions may be required under oath.

**Minimum Period Between Renewals.**

In order to prevent speculation, renewal of permit will not be allowed a purchaser of permitted stock if the original permittee has used the range less than three years. A permit granted because of the purchase of permitted stock may, however, be renewed to a second purchaser after the expiration of one year from the date of the permit issued the first purchaser. This rule will also apply when the permittee who proposes to sell is a member of a partnership.

By "initial permit" is meant the first permit which the purchaser secures after the purchase of the stock. This will be either the free permit secured for the remainder of the grazing season for which the fees were paid by the original permittee or, in the event the purchase is made between the seasons, the first paid permit issued to him at the beginning of the grazing season subsequent to the purchase.

**Subject to Reduction in Renewal.**

All permits issued to purchasers of permitted stock are subject to any reductions that would have been made in the original permit.

**Sale of Stock After Approval of Application.**

When stock is sold after the application for a grazing permit has been approved and prior to the beginning of the grazing period, the original application will be canceled and the application of the purchaser will be approved upon its merits, subject to the regulations governing the issue of permits to the purchasers of stock.

**Purchaser Must Observe All Requirements.**

All conditions, stipulations, and agreements which were binding upon the original permittee will also be binding upon the purchaser of permitted stock, and a renewal of permit may be denied for failure to observe all requirements.

**Purchase of Stock Only.**

No renewal of permit will be granted to a purchaser of permitted stock unless he is qualified by ownership of ranch property and in other requisite ways to share in the use of the Forest ranges.

**Purchase of Stock Only by Owner of Improved Ranch.**

A purchaser of permitted stock who owns ranch property commensurate and so located that it will be used in connection with the stock, or who acquires such property from persons other than the original permittee, may be allowed a renewal of permit for not less than 60 per cent nor more than 80 per



cent of the number of the permittee's established grazing preference, provided that the maximum limit restriction is not exceeded.

#### **Purchase of Stock and Ranches.**

If the ranch property is commensurate and used in connection with the permitted stock, the purchaser of both the stock and ranches of a permittee may be allowed a renewal of permit for not more than 90 nor less than 75 per cent of the permittee's established grazing preference, subject to the maximum limit restrictions. If the ranch property is not fully commensurate, a proportionate reduction should be made in the number of stock for which renewal of permit is allowed.

#### **No Reduction on Small Owners.**

A renewal of permit will be allowed for the full number of stock purchased if the purchaser does not own a total of more than the protective limit number of stock and is a qualified ranch owner.

#### **When Reductions in Number of Purchased Stock May Be Waived.**

When there is surplus range on a Forest, or a district of a Forest, that is sufficient to meet the demands from all persons regularly entitled to new permits, or to cover authorized increases in existing permits, the reductions required by the preceding paragraphs may be waived at the discretion of the district forester.

#### **Purchase of Ranch Property Only.**

The purchase of ranch property or improvements used in connection with permitted stock does not convey any right or preference to a share in the use of Forest lands, and no renewal of permit will be allowed solely on the basis of such a purchase. A purchaser of ranch property previously used in connection with permitted stock will be considered only as a new applicant or as the purchaser of other permitted stock.

In cases where the permitted stock are removed from the Forest, the purchaser not intending to continue in the use of the Forest lands, and where the permittee has signed a waiver, (Form 763), the purchaser of the ranch property will be given a preference over other new applicants to the extent of being placed at the head of the list and granted first consideration.

#### **Ranch Property.**

Property, such as town lots, fruit land, or mineral land, which does not bear a direct relation to and is not dependent upon the live stock for its best use, will not be accepted as a basis for the renewal of permit to the purchaser of permitted stock. The character of the property and the degree of its use in con-

nection with the stock must conform to the general requirements and practices of the locality.

#### **Relation of Ranch Property to Stock.**

Where winter feeding is necessary the land must produce sufficient feed to winter the permitted stock and must be used for that purpose. Where winter feeding is not required the ownership of a headquarters ranch, spring, fall, or winter range, lambing grounds, or lands containing controlling sources of water supply may justify renewal. In every case the land must be used in connection with the permitted stock and be commensurate with the number of such stock for the purpose for which it is used.

#### **Leased Land Not Acceptable.**

The applicant for renewal must hold title to the lands, as leased lands do not meet the requirements of the regulations.

#### **Transfers to Copartnerships and Incorporated Companies.**

An individual permittee who enters into a copartnership agreement transfers only an undivided interest in all or a part of his stock or ranches, or both, to the other members of the copartnership. An individual permittee who transfers to an incorporated company makes a complete transfer, retaining no interest in the stock or ranches, but receiving instead an interest in the corporation through the medium of certain shares or certificates which are readily transferable, but which do not affect the status of the corporation as a permittee by their transfer. In renewal of permit to a copartnership only the proportionate interest transferred will be reduced in accordance with the rules governing the renewal of permits to purchasers, but in renewal of permit to a corporation the reduction will apply to the full number of stock transferred, even though the original permittee acquires and retains an interest in the corporation equivalent to his original interest in the stock grazed under his individual permit.

If, at any time subsequent to the securing of a grazing privilege by a corporation, a majority of the shares of its stock are held by stockholders other than those holding them when such privilege was granted, the permit will be subject to the same reduction as in other cases. (See Reg. G-17.)

#### **Inheritance of Stock.**

See "Heirs to owners of permitted stock" and "Renewal to estates."

#### **Purchase Through Foreclosure.**

The acquisition of permitted stock through the foreclosure of a mortgage, or a forced sale, conveys no privilege of renewal of



permit unless the original permittee signs an agreement (Form 763) waiving all further claim to preference in the use of the range, nor does it exempt the purchaser from any of the provisions of the regulations governing the renewal of permits to purchasers, except temporarily as herein provided.

If it is evident that the terms of the purchase agreement or mortgage were such that the permittee could not reasonably have been expected to meet them, renewal of permit to the mortgagee will be denied.

When a waiver of grazing preference is executed in connection with a mortgage, under agreement that it will be effective only in case of foreclosure, copies of all papers in the transaction should be filed with the forest supervisor.

#### **Temporary Permit to Purchaser at Forced Sale.**

A temporary permit, effective during one season only and not subject to renewal, may be granted the purchaser of stock through a forced sale (a) when there is surplus range which may be used without undue interference with other permittees, (b) when the original permittee, while retaining his grazing preference and intending to place stock on the range after the expiration of one year, does not intend to replace the mortgaged stock during the season following the foreclosure.

#### **Renewal in Case of Purchase at Forced Sale.**

When the original owner has signed a waiver (Form 763) the purchaser of stock obtained by a forced sale may be allowed a full renewal of permit for the following season, with the understanding that at the beginning of the second year the reductions required by the regulations will be imposed and the rules in reference to the issuance of permits to purchasers of permitted stock will be strictly enforced.

If the stock is sold to a second purchaser during the year in which a full renewal is allowed, the regular reduction will be made in the renewal of the permit during the following season.

### **PERMITS TO NEW OWNERS.**

**REG. G-19.** Grazing applications from new applicants, or from qualified permittees for increases in their permits, submitted during the last four years of a five-year grazing period, will be approved only for such number of stock as can be provided for on surplus range after permits not subject to reduction have been renewed and for such additional number as can be made available by a total reduction upon annual permits of the preceding year of not more than 10 per cent in the permit of an owner of improved ranch property commensurate with

the permitted stock; or more than 20 per cent in the permit of a person not owning such property.

At the expiration of the five-year period applications from new applicants and qualified permittees for increases may also be approved for the additional surplus made available by an equitable readjustment of the five-year permits.

In providing for new class A applicants and awarding increases to class A permittees, any surplus which may exist on account of transfers or abandoned privileges or in the authorization will be first distributed. If this is not adequate to supply the demand an additional number of stock will be made available by a sliding-scale reduction not exceeding 10 or 20 per cent, respectively, as above mentioned on permits in excess of the established protective limit. If a Forest is fully stocked, permits to new applicants will not be issued for more than one-half the established protective limit number.

If the average number of stock per permittee is less than the protective limit established for the Forest or the grazing district, new permits may be restricted to not more than one-fourth of the protective limit number, and to stock which will be fed during the winter from the products of the permittee's ranch.

Persons who have sold their stock grazed under permit and signed a waiver to their preference will not be recognized as new applicants or granted increases in permit numbers except as purchasers of permitted stock or unless there is unused range after all other qualified applicants have been provided for.

#### Number of Stock to Be Awarded.

When a surplus in the authorization is available for allotments equal to the number of stock necessary to provide for all permits to beginners and increases to permittees below the protective limit for which applications have been received, no sliding-scale reductions will be made.

When the surplus in the authorization is inadequate to supply the demand for range by qualified class A new applicants and class A permittees entitled to increases, the district forester may authorize a sliding-scale reduction on permits in excess of the established protective limit. Such sliding-scale reductions need not be equally distributed over the entire Forest or between the different grazing districts, but may be wholly applied to the ranges or districts where needed to provide for increases or the issuance of permits to beginners. Reductions applied to individual permits, however, will be subject to the limitations imposed by the following paragraphs.



**Maximum Reduction to Provide Range.**

New applications or increases to class A permittees will not be approved in any case where this will necessitate a reduction in the renewal of any permit issued for the previous year which when combined with all reductions for other purposes will in any one year amount to more than 10 per cent of the permit of an owner of improved ranch property commensurate with the permitted stock or 20 per cent of the permit of a regular user not owning such property.

**When Restricted to One-fourth of Protective Limit.**

Upon fully stocked Forests or parts thereof where the average number of stock per permittee is less than the protective limit number, none but class A new applicants will receive favorable consideration. The number of stock the new applicant will be allowed to graze during the first year will be not more than one-fourth of the protective limit number; permit will be issued only for stock that is to be wintered upon the products of the applicant's ranch, and will not be renewed if winter feeding is discontinued. Where the average holding per permit is so low, the admittance of additional permittees is justified only when the new applicants absolutely require limited grazing privileges in order to dispose of the products of their ranches which can be marketed only by feeding them to live stock.

**When Restricted to One-half the Protective Limit.**

Upon fully stocked Forests or grazing districts, where the average number per permittee is above the protective limit, none but class A applicants will receive favorable consideration. The maximum number of stock they will be allowed to graze the first year is one-half of the protective limit number.

**When Allowed for Full Protective Limit Number.**

Upon Forests or grazing districts that are not fully stocked, bona fide class A permittees may be granted permits to graze the full protective limit number of stock.

**Definition of a Fully Stocked Forest.**

Under the above provisions a Forest or grazing district will be considered as fully stocked whenever the permanent privileges enjoyed by class B permittees, plus the total demand for range by all class A owners, equals its estimated carrying capacity.

**Temporary Allowances.**

If after providing for all qualified applicants of classes A and B there is still a surplus of range, temporary permits may be granted to new applicants of class C.

**Permits to New Settlers.**

New settlers upon unimproved lands in either Government or private ownership may be granted grazing privileges in accordance with the requirements prescribed in such cases by the instructions in Regulation G-14.

**CANCELLATION AND REVOCATION OF PERMITS.**

**REG. G-20.** Authority to cancel, reduce, or revoke grazing permits is delegated to Forest officers under the following conditions: Permits may be canceled by the issuing officer or his successor or official superior upon request, or with the consent of the permittee, if such cancellation is not detrimental to the best interests of the Government. Permits may be reduced or revoked for breach of the terms of the grazing application or permit or of the rules and regulations, provided that the breach thereof is clearly established after the permittee has been afforded a reasonable opportunity to show cause why the permit should not be reduced or revoked, and that the action is approved by the district assistant to the solicitor, but they may be reduced or revoked only by an official superior of the issuing officer or in the following general order: Forest rangers' permits by the forest supervisor, forest supervisors' permits by the district forester, district foresters' permits by the Forester.

**Reductions for Cause.**

When a permittee violates the regulations and instructions or any of the special rules or conditions under which the permit is issued, a reduction may be made in the permittee's grazing preference for the first offense.

In case of continued or repeated violations the permit and grazing preference may be revoked.

**Cancellation.**

Cancellation requires the consent of the permittee and the surrender of the permit. The officer canceling the permit will assure himself that the permittee will not be relieved of any existing obligation and that the cancellation of the permit will not be inimical to the best interests of the Government.

**Revocation.**

A permit may be revoked without the consent of the permittee or surrender of the permit.

The permittee will be advised of the reasons rendering necessary the revocation of permit and will be allowed a reasonable time within which to show cause why the permit should not be revoked.



## BONDS.

**REG. G-21.** Whenever it is necessary for the protection of a National Forest, or of the interests dependent upon it, the supervisor may require the owners of transient stock, or non-residents of the State or Territory in which the National Forest is located, or persons who have persistently violated the regulations of the Secretary of Agriculture to give good and sufficient bond to insure payment for all damage sustained by the Government through violation of the regulations or the terms of the permit.

The supervisor may require the owners of stock to give bond to insure payment for damage caused by violation of the terms of the permit. The amount of the bond will be determined by the supervisor.

Ordinarily it will be for not less than twice or more than four times the amount of the grazing fee, or an amount which represents approximately the actual value of the forage.

A bond may be required of a former trespasser preliminary to the issuance of a permit, or of a permittee who has, during two successive seasons, disregarded the regulations, or whose employees are inclined to violate the regulations or disregard the orders of the forest officers.

## COUNTING STOCK.

**REG. G-22.** When an owner who has a permit is ready to drive in his stock he must notify the nearest Forest officer, by mail or otherwise, of the number to be driven in. If called upon to do so, he must provide for having his stock counted before entering a National Forest, or at any time afterwards when the number of stock appears to be greater than the number covered by permit.

Counting corrals, wings, chutes, etc., will be constructed at convenient points to facilitate compliance with this regulation and each year an actual count will be made wherever possible, without serious interference with the proper handling of the stock.

**When Unnecessary.**

Where the local forest officers are in possession of reliable information that the number of stock being brought in by a permittee is not in excess of his permit number, counting may be dispensed with, especially if it involves a material expense to the Service.

**Counting Cattle and Horses.**

Where cattle or horses are driven to Forest ranges from the feed lots or winter ranges, a count may be made at points of entry designated by the Forest officers.

**Feed-Lot Counts.**

Counting in the feed lots can be done at a time when it will interfere little with a ranger's duties. The results are fairly accurate. If the number for which application is submitted is less than the number in the possession of the applicant at the time the count was made he may be required on entering the Forest to show what disposition has been made of the balance. An applicant who refuses to allow his stock to be counted in a feed lot may be required to arrange for a count before entering the Forest or to round-up at any time thereafter if the supervisor has reason to believe that the number being grazed is in excess of the permitted number.

**DAMAGE TO ROADS, TRAILS, OR SPRINGS.**

**REG. G-23.** Each person or group of persons granted grazing permits must repair all damage to roads or trails under the jurisdiction of the Forest Service caused by the presence of their stock in any portion of a National Forest, and build any new roads or trails found necessary for the proper handling of their stock. They must also fence any spring or seep upon Government lands which is being damaged by the trampling of their stock, and, if required by the supervisor, must pipe the water into troughs for watering stock. Such troughs must be open for public use.

**BEDDING SHEEP AND GOATS.**

**REG. G-24.** Sheep and goats must not be bedded more than three nights in succession in the same place, except when bedding bands of ewes during the lambing season; and must not be bedded within 300 yards of any running stream or living spring, except in rare cases where this restriction is clearly impracticable.

**Prolonged Use of Bed Ground.**

The prolonged use of one bed ground by a band of sheep is destructive to the range because of the amount of forage tramped by a close-herded band of sheep is fully as great as the amount actually fed. Then, too, the sheep leave the bed ground hungry and eat a large number of plants in the vicinity of the bed ground that ordinarily would escape destruction. Reestablishment of the forage thus destroyed is difficult, if not impossible.



**Maximum Period Three Days.**

To reduce the damage to a minimum the bed ground should be changed every day if possible, and in no case should it be occupied more than three nights unless natural conditions will not allow the change to be made. Lambing ewes can not be moved so often, and the interests of the range must in this instance be sacrificed in a measure to the needs of the sheep.

**Protection of Water Supplies.**

The bedding of sheep within 300 yards of a stream or spring that is a source of water supply for a community or town must not be allowed under any circumstances.

**DISPOSITION OF CARCASSES.**

**REG. G-25.** The carcasses of all animals which die on the National Forest from contagious or infectious diseases must be burned, and the carcasses of all animals which die in the close vicinity of water must be removed immediately, and buried or burned.

The carcasses of animals dying from blackleg, anthrax, glanders, and other bacterial diseases scatter germs on the range when they decompose, and a healthy animal may contract the disease. Therefore to prevent the pollution of water supply and the spread of disease among human beings, as well as live stock, this rule will be strictly enforced.

**How to Burn a Dead Animal.**

The destruction by fire of the carcass of an animal weighing perhaps a thousand pounds is not an easy matter.

One of the best methods known is to dig a hole as close as possible to the carcass, about 2 feet deep and large enough otherwise to contain it.

On the sides of this hole dig two or three small ditches or trenches sloping from the surface of the ground into the hole. These will secure a strong draft, which will aid materially in the success of the work.

Having filled this hole with dry wood, piled so as to give the maximum draft, the animal can readily be rolled onto the pile, and with an additional supply of wood placed around the carcass the combustion will generally be almost complete.

The earth taken from the hole can then be thrown back into it, covering what few bones are left unburned, and the job will be completed in a very satisfactory manner.

**Owners Must Dispose of Dead Animals.**

Where the ownership of a dead animal can be ascertained the work of burning or burying the carcass must be attended to by

the owner or his employees. So far as practicable Forest officers will notify persons of the presence upon the range of dead animals owned by them. Where this ownership can not be ascertained the duty of carrying out the regulation falls upon the local Forest officer.

### **SALTING STOCK.**

**REG. G-26.** Whenever the Forest officers require it, all stock grazed under permit must be salted regularly at such places and in such manner as they may designate.

#### **Influence of Proper Salting in Range Management.**

Salt and water are two important factors in distributing cattle and horses on the range. Stock will alternate between salt and water if the two are widely separated and will consume as much range around a salt ground as around a water hole. For this reason the best results are secured by placing the salt on rocky points at some distance away from the water. The salt licks or troughs should be placed on ground of no value for other purposes.

#### **Extent to Which Salting Should Be Required.**

Salting is required as a means of Forest protection, and the regulation should be enforced to as great an extent as the interests of the Forest demand. Otherwise it should be enforced only upon the request of a majority of the permittees or when the State laws require the salting of stock.

#### **Action in Case of Refusal to Properly Salt Stock.**

Ordinarily a person who refuses to salt his stock when requested to do so will be subject to a reduction in permit number during the following year. If his refusal is continued and results in damages to the range, he may be denied further privileges. Obviously, where natural licks occur salting will be unnecessary.

#### **Approximate Quantity of Salt Required.**

Sheep will consume about a pound and a half of salt during a summer season. Deprived of salt, they are harder to herd and more destructive to the range.

Cattle and horses will use approximately 2 pounds of salt per head per month from the time the green feed begins until mid-summer and 1 pound per head per month during the remainder of the year. This quantity is in excess of that fed on most ranges, but experience has demonstrated that a liberal use of salt is a profitable investment. A lack of salt causes cattle to collect around old salt grounds and tramp out considerable range.



## QUARANTINE AND LOCAL LAWS.

**REG. G-27.** The owners of all stock which is grazed under permit in, or allowed to cross, any National Forest will be required to conform to the quarantine regulations of the Secretary of Agriculture, and, at the discretion of the Forester, may be required to comply with all live-stock laws of the State or Territory in which the National Forest is located. Forest officers will cooperate with State or Territorial officers, so far as they can without undue interference with their regular Forest work, to enforce local laws for the protection of stock, and will promptly inform the State officials of all violations discovered.

**Enforcement of Quarantine Regulations.**

Whenever the stock in any locality is known to be infected with a contagious disease, or notice to that effect has been given the Forester or district forester by the Bureau of Animal Industry, the owners of all stock to be grazed in National Forests must, if required to do so, subject the stock to inspection, and, if found necessary, have such stock dipped or otherwise treated before it is allowed to enter. At any time during the period for which a grazing permit has been issued, if the stock is found to be infected with a contagious disease, it must be dipped or otherwise treated in accordance with the instructions of the inspectors of the Bureau of Animal Industry, or the permit will be canceled and the stock removed from the National Forests.

**Enforcement of Local Laws.**

The owners of all stock grazed under permit must comply with the live-stock laws of the State, or their permits will be revoked if the failure to comply with such laws is resulting in injury to the forest or range or is nullifying any special rules recommended by a recognized live-stock association and approved by the district forester, which special rules provide for the enforcement of such State laws.

All officers of the Forest Service will assist the proper State or Territorial officials in the enforcement of all quarantine and live-stock laws, and will, with due regard to their official duties, assist the stock owners to protect their property against loss by theft.

## PROTECTION OF GAME, FISH, AND BIRDS.

**REG. G-28.** All Forest officers will cooperate with State or Territorial officials to enforce local laws for the protection of birds, fish, and game. When properly authorized to do so,

they will act without additional pay as deputy game wardens with full power to enforce local laws, but may not accept any rewards or parts of fines on account of the enforcement of State game laws. Forest officers who hold appointments as deputy game wardens may accept the usual fees which the State allows for issuing hunting and fishing licenses. Forest officers and employees are prohibited from accepting bounties offered for the destruction of predatory animals and also from receiving fees or parts of fees on account of the enforcement of State game laws.

It is the duty of all Forest officers to enforce the provisions of Regulation T-7, which prohibits the use of, or travel on, National Forest land for unlawful hunting or fishing.

Game is a product of the forests. It adds materially to the enjoyment of the National Forests by the public, as well as to their possible economic uses. The preservation of game animals, birds, and fish, and the elimination of game violations is an important duty of Forest officers. This is furthermore made incumbent upon the Forest Service by the act of May 23, 1908, which provides that all reasonable assistance in the protection of game within the National Forests be given the State authorities. Failure to take an active part in game protection will be considered neglect of duty.

Farseeing plans for game culture are essential for all the National Forests, particularly in those localities where there is a tendency to absorb into use areas which represent those remaining available to game. Game needs must be considered in making the final allotment of stock to such areas. The most effective way now known for protecting and developing game is to set aside lands where the animals may breed unmolested, so the increase will be available for hunting outside such areas.

#### **Cooperation with States.**

In States which have enacted adequate laws for the protection of game the Forest Service will carry the work of enforcing the game laws to the highest point of efficiency attainable. To accomplish this the district forester may, at his discretion, agree with the proper State officers upon a definite plan of cooperation with stipulation of the conditions under which all Forest officers will enforce the State game laws, and certain Forest officers who may be named by the district forester will accept appointments as deputy game wardens and arrest and prosecute persons found to be violating the game laws.

Persons who enter the National Forests for the purpose of hunting contrary to the provisions of the State game laws may be prosecuted for trespass. (See Reg. T-7.)



**HUNTING AND FISHING TRESPASS.**

**REG. T-7.** The following acts are prohibited on lands of the United States within National Forests:

The going or being upon any such land, or in or on the waters thereof, with intent to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, in violation of the laws of the State in which such land or waters are situated.

**Statutes.**

Prosecutions for game trespass are usually based on the violation of a State game law, or, more rarely, Regulation T-7. However, prosecution may be based on violations of any of the following Federal statutes: Act of January 24, 1905 (33 Stat., 614), establishing the Wichita Refuge; act of June 29, 1906 (34 Stat., 607), establishing the Grand Canyon Refuge; act of August 11, 1916 (39 Stat., 476), providing for the protection of game on purchased areas; the migratory-bird treaty act of July 3, 1918 (40 Stat., 755), and all regulations thereunder. The Criminal Code, section 84, provides for the protection of bird refuges. The act of February 6, 1905 (33 Stat., 700), gives forest officers certain powers of arrest.

**What Constitutes Trespass.**

Regulation T-7 prescribes an offense for the entering upon, or being upon, or using National Forest lands for purposes which would be in violation of Federal statutes or of the State fish and game laws. The act of pursuing or taking or killing fish or game need not actually be committed to constitute a violation of the regulation, although an act would be *prima facie* proof of the intention of the person or persons apprehended. This regulation gives opportunity to supplement the State procedure in preventing violations of the game laws, by bringing such offenses within the jurisdiction of Federal as well as State courts.

**Authority of Forest Officers.**

The source of authority of forest officers is important in circumscribing their authority as to arrests, seizures, investigations, and procedure.

The majority of offenses committed are violations of State fish and game laws and the authority of forest officers to act is derived from—(a) their commissions as game wardens, or (b) under the regulation. In the former case their jurisdiction is prescribed by the terms of their commission. In the latter case forest officers have authority only on National Forest lands. While acting under authority of the act of February 6, 1905,

their jurisdiction is limited to forest reserves (now National Forests) and National Parks.

### DESTRUCTION OF PREDATORY ANIMALS.

#### To Reduce Loss of Live Stock.

The Forest Service will assist stockmen, so far as is feasible, in the killing of predatory animals which are a menace to live stock on the range. Applications for cooperation in this work should be made to the nearest forest officer.

### STRAY OR UNBRANDED STOCK.

The ownership of all stray or unbranded stock upon the National Forests will be determined by the laws of the State in which the Forest is located, and forest officers will be governed by such laws in the handling of stray or unbranded stock. Persons legally entitled to acquire title to stray or unbranded stock may be allowed to do so, but no permit or agreement will be granted or entered into by any forest officer which authorizes a charge to be made for the gathering of such stock or its sale by the person or persons who have gathered or captured it.

The owners of all branded animals which are captured with unbranded stock will be required to make application for permit and pay the grazing fees upon them. Stray or unbranded stock, if not claimed by persons entitled to it under the law, will be held and the State authorities requested to take charge of it or authorize the forest officer to dispose of it in accordance with the State law.

#### Herder's Identification Card.

The owners of stock which is kept under herd upon the National Forests will be furnished with cards (Form 976) for the identification of their herders by forest officers.

### NATIONAL GAME PRESERVES.

The following national game preserves situated wholly or in part within National Forests have been designated under special acts of Congress for the protection of wild animals:

Name.	National Forest.	State.	Act approved.
Grand Canyon..	Kaibab.....	Arizona.....	June 29, 1906 (34 Stat., 607).
Pisgah.....	Pisgah.....	North Carolina	Aug. 11, 1916 (36 Stat., 961).
Wichita.....	Wichita.....	Oklahoma.....	Jan. 24, 1905 (33 Stat., 614).



# NATIONAL FORESTS—HEADQUARTERS OF SUPERVISORS.

[Letters should be addressed : Supervisor, ----- National Forest, etc.]

State.	National Forest District No.	Forest.	Headquarters of supervisor.
Alabama.....	7	Alabama.....	Moulton.
Alaska.....	8	Tongass.....	Ketchikan.
	8	Chugach.....	Cordova.
Arizona.....	3	Apache.....	Springerville.
	3	Coconino.....	Flagstaff.
	3	Coronado.....	Tucson.
	3	Crook.....	Safford.
	4	Dixie-Sevier.....	Cedar City, Utah.
	4	Kaibab.....	Kanab, Utah.
	3	Preseott.....	Preseott.
	3	Sitgreaves.....	Snowflake.
	3	Tonto.....	Roosevelt.
	3	Tusayan.....	Williams.
Arkansas.....	7	Arkansas.....	Hot Springs.
	7	Ozark.....	Russellville.
California.....	5	Angeles.....	Los Angeles.
	5	California.....	Willows.
	5	Cleveland.....	San Diego.
	6	Crater.....	Medford, Oreg.
	5	Eldorado.....	Placerville.
	5	Inyo.....	Bishop.
	5	Klamath.....	Yreka.
	5	Lassen.....	Red Bluff.
	5	Modoe.....	Alturas.
	5	Mono.....	Minden, Nev.
	5	Plumas.....	Quiney.
	5	Santa Barbara.....	Santa Barbara.
	5	Sequoia.....	Hot Springs.
	5	Shasta.....	Sisson.
	5	Sierra.....	Northfork.
	6	Siskiyou.....	Grants Pass, Oreg.
	5	Stanislaus.....	Sonora.
	5	Tahoe.....	Nevada City.
	5	Trinity.....	Weaverville.
Colorado.....	2	Arapahoe.....	Hot Sulphur Springs.
	2	Battlement.....	Grand Junction.
	2	Cochetopa.....	Salida.
	2	Colorado.....	Fort Collins.
	2	Gunnison.....	Gunnison.
	2	Hayden.....	Encampment, Wyo.
	2	Holy Cross.....	Glenwood Springs.
	4	La Sal.....	Moab, Utah.
	2	Leadville.....	Leadville.
	2	Montezuma.....	Maneos.
	2	Pike.....	Denver.
	2	Rio Grande.....	Monte Vista.
	2	Routt.....	Steamboat Springs.
	2	San Isabel.....	Pueblo.
	2	Uncompahgre.....	Delta.
	2	White River.....	Glenwood Springs.

*National Forests—Headquarters of Supervisors—Continued.*

State.	National Forest District No.	Forest.	Headquarters of supervisor.
Florida.....	7	Florida.....	Pensacola.
Georgia.....	7	Cherokee.....	Athens, Tenn.
	7	Nantahala.....	Franklin, N. C.
Idaho.....	4	Boise.....	Boise.
	4	Cache.....	Logan, Utah.
	4	Caribou.....	Montpelier.
	4	Challis.....	Challis.
	1	Clearwater.....	Orofino.
	1	Coeur d'Alene.....	Coeur d'Alene.
	4	Idaho.....	McCall.
	1	Kaniksu.....	Sandpoint.
	4	Lemhi.....	Mackay.
	4	Minidoka.....	Burley.
	1	Nezperce.....	Grangeville.
	4	Payette.....	Emmett.
	1	Pend Oreille.....	Sandpoint.
	1	St. Joe.....	Coeur d'Alene.
	4	Salmon.....	Salmon.
	4	Sawtooth.....	Hailey.
	1	Selway.....	Kooskia.
	4	Targhee.....	St. Anthony.
	4	Weiser.....	Weiser.
Maine.....	7	White Mountain..	Gorham, N. H.
Michigan.....	2	Michigan.....	East Tawas.
Minnesota.....	2	Minnesota.....	Cass Lake.
	2	Superior.....	Ely.
Montana.....	1	Absaroka.....	Livingston.
	1	Beartooth.....	Billings.
	1	Beaverhead.....	Dillon.
	1	Bitterroot.....	Missoula.
	1	Blackfeet.....	Kalispell.
	1	Cabinet.....	Thompson Falls.
	1	Custer.....	Miles City.
	1	Deerlodge.....	Butte.
	1	Flathead.....	Kalispell.
	1	Gallatin.....	Bozeman.
	1	Helena.....	Helena.
	1	Jefferson.....	Great Falls.
	1	Kootenai.....	Libby.
	1	Lewis and Clark..	Great Falls.
	1	Lolo.....	Missoula.
	1	Madison.....	Sheridan.
	1	Missoula.....	Missoula.
Nebraska.....	2	Nebraska.....	Halsey.
Nevada.....	5	Eldorado.....	Placerville, Calif.
	4	Humboldt.....	Elko.
	5	Inyo.....	Bishop, Calif.
	5	Mono.....	Minden, Nev.
	4	Nevada.....	Ely.
	5	Tahoe.....	Nevada City, Calif.
	4	Toiyabe.....	Austin.
New Hampshire.....	7	White Mountain..	Gorham, N. H.



*National Forests—Headquarters of Supervisors—Continued.*

State.	National Forest District No.	Forest.	Headquarters of supervisor.
New Mexico.....	3	Carson.....	Taos.
	3	Coronado.....	Tucson, Ariz.
	3	Datil.....	Magdalena.
	3	Gila.....	Silver City.
	3	Lincoln.....	Alamogordo.
	3	Manzano.....	Albuquerque.
	3	Santa Fe.....	Santa Fe.
North Carolina.....	7	Cherokee.....	Athens, Tenn.
	7	Pisgah.....	Asheville.
	7	Unaka.....	Bristol, Tenn.
Oklahoma.....	7	Wichita.....	Cache.
Oregon.....	6	Cascade.....	Eugene.
	6	Crater.....	Medford.
	6	Deschutes.....	Bend.
	6	Fremont.....	Lakeview.
	5	Klamath.....	Yreka, Calif.
	6	Malheur.....	John Day.
	6	Ochoco.....	Prineville.
	6	Oregon.....	Portland.
	6	Santiam.....	Albany.
	6	Siskiyou.....	Grants Pass.
	6	Siuslaw.....	Eugene.
	6	Umatilla.....	Pendleton.
	6	Umpqua.....	Roseburg.
	6	Wallowa.....	Wallowa.
	6	Whitman.....	Baker.
Porto Rico.....	7	Luquillo.....	Rio Piedras.
South Carolina.....	7	Nantahala.....	Franklin, N. C.
South Dakota.....	2	Black Hills.....	Deadwood.
	2	Harney.....	Custer.
Tennessee.....	7	Cherokee.....	Athens.
	7	Unaka.....	Bristol.
Utah.....	4	Ashley.....	Vernal.
	4	Cache.....	Logan.
	4	Dixie-Sevier.....	Cedar City.
	4	Fishlake-Fillmore.....	Richfield.
	4	La Sal.....	Moab.
	4	Manti.....	Ephraim.
	4	Minidoka.....	Burley, Idaho.
	4	Powell-Sevier.....	Widtsoe.
	4	Uinta.....	Provo.
	4	Wasatch.....	Salt Lake City.
Virginia.....	7	Natural Bridge.....	Buena Vista.
	7	Shenandoah.....	Harrisonburg.
	7	Unaka.....	Bristol, Tenn.
Washington.....	6	Chelan.....	Okanogan.
	6	Columbia.....	Portland, Oreg.
	6	Colville.....	Republic.
	1	Kaniksu.....	Sandpoint, Idaho.
	6	Olympic.....	Olympia.
	6	Rainier.....	Tacoma.



*National Forests—Headquarters of Supervisors—Continued.*

State.	National Forest District No.	Forest.	Headquarters of supervisor.
Washington .....	6	Snoqualmie .....	Seattle.
	6	Washington .....	Bellingham.
	6	Wenatchee .....	Wenatchee.
West Virginia .....	7	Monongahela .....	Elkins.
	7	Shenandoah .....	Harrisonburg, Va.
Wyoming .....	4	Ashley .....	Vernal, Utah.
	2	Bighorn .....	Sheridan.
	2	Black Hills .....	Deadwood, S. Dak.
	4	Caribou .....	Montpelier, Idaho.
	2	Hayden .....	Encampment.
	2	Medicine Bow .....	Laramie.
	2	Shoshone .....	Cody.
	4	Targhee .....	St. Anthony, Idaho.
	4	Teton .....	Jackson.
	2	Washakie .....	Lander.
	4	Wyoming-Bridger	Kemmerer.

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